

Rent Act, 1957

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CHAPTER 25

An Act to amend the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Rent of Furnished Houses Control (Scotland) Act, 1943, the Furnished Houses (Rent Control) Act, 1946, the Housing (Repairs and Rents) (Scotland) Act, 1954, and certain other enactments relating to the control of rents and the right to retain possession of houses; to provide a minimum length for notice to terminate residential lettings; and for purposes connected with the matters aforesaid. [6th June, 1957]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Revision of rent limits of controlled houses in England and Wales

1.—(1) Subject to the following provisions of this Act the rent recoverable for any rental period from the tenant under a controlled tenancy shall not exceed the following limit, that is to say a rent of which the annual rate is equal to the 1956 gross value of the dwelling multiplied by two (or, if the responsibility for repairs is such as is specified in Part I of the First Schedule to this Act, by the appropriate factor specified in the said Part I), together with—

Rent limit
of controlled
houses.

- (a) the annual amount, ascertained in accordance with the Second Schedule to this Act, of any rates for the basic rental period, being rates borne by the landlord or a superior landlord; and

(b) such annual amount as may be agreed in writing between the landlord and the tenant or determined by the county court to be a reasonable charge for any services for the tenant provided by the landlord or a superior landlord during the basic rental period or any furniture which under the terms of the tenancy the tenant is entitled to use during that period.

(2) The limit on the rent recoverable under a controlled tenancy for any rental period (hereinafter referred to as "the rent limit") shall be subject to adjustment from time to time under sections three to five of this Act and to reduction as provided by Part II of the First Schedule to this Act in case of disrepair.

(3) Where under a controlled tenancy current at the commencement of this Act the rent recoverable for the basic rental period exceeds what would be the rent limit for that period if ascertained under subsection (1) of this section, the rent limit shall be the rent recoverable as aforesaid, subject however to the provisions of the foregoing subsection.

(4) The rent recoverable under a controlled tenancy for the rental period comprising the commencement of this Act shall, notwithstanding the repeals effected by this Act, remain the rent recoverable under that tenancy for any rental period for which it is neither increased nor reduced under this Act.

Procedure
for increasing
rents.

2.—(1) If the rent for the time being recoverable under a controlled tenancy is less than the rent limit it may be increased up to that limit subject to and in accordance with the following provisions of this section; and this subsection shall have effect notwithstanding anything in any enactment.

(2) Subject to the provisions of Part II of the First Schedule to this Act, the rent may be increased as aforesaid by the service by the landlord on the tenant of a notice of increase in the prescribed form specifying the amount of the increase; but—

(a) the increase shall not have effect as respects rental periods beginning before such date as may be specified in the notice, being a date not earlier (except in the cases authorised by the following provisions of this Act) than three months after the service of the notice;

(b) the total of the increases which may be specified in any notice or notices of increase as taking effect less than nine months after the service of the first notice (excluding any increases which under the following provisions of this Act are to be disregarded) shall not exceed seven shillings and sixpence per week, but a notice may specify more than one date and amount;

(c) except so far as may be necessary for giving effect to an adjustment under section three or five of this Act, a notice of increase shall be of no effect if given at a time when—

(i) the dwelling is within a clearance area under the Housing Act, 1936, or is or forms part of premises with respect to which a demolition order or closing order under that Act or a closing order under section ten or eleven of the Local Government (Miscellaneous Provisions) Act, 1953, has been made and has not ceased to be in force, or

(ii) works of repair remain unexecuted which were required to be executed by a notice or order given or made as respects the dwelling to or against the landlord, or any person receiving rent as agent for the landlord, under section nine of the Housing Act, 1936, section ninety-four of the Public Health Act, 1936, or paragraph 7 of the Fifth Schedule to the Public Health (London) Act, 1936, or

(iii) an order has been made under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, declaring the dwelling or a house of which it forms part unfit for human habitation and not capable at reasonable expense of being rendered so fit, and either the Minister has not yet decided whether to confirm the order or he has confirmed it and less than two years have elapsed since the confirmation,

and (except as aforesaid) if the date specified in a notice of increase in accordance with paragraph (a) of this subsection falls at a time when the condition specified in sub-paragraph (i), (ii) or (iii) of this paragraph is fulfilled, no increase shall be recoverable by virtue of the notice for any rental period beginning at any such time.

(3) Where the landlord is a body corporate incorporated outside the United Kingdom, the foregoing provisions of this section shall have effect subject to the provisions of Part III of the First Schedule to this Act.

(4) If a notice of increase contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable on summary conviction to a fine not exceeding fifty pounds unless he proves that the statement was made innocently and without intent to deceive.

3.—(1) Where any rates in respect of the dwelling are borne by the landlord or a superior landlord, then for any rental period for which the amount of the rates, ascertained in

Adjustment as respects rates borne by landlord.

accordance with the Second Schedule to this Act, differs from the amount, so ascertained, of the rates for the basic rental period the rent limit shall be increased or decreased by the amount of the difference.

(2) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified by the notice may be any date not earlier than six weeks before the service of the notice, and where that date is earlier than the service of the notice any rent underpaid shall become due on the day after the service.

(3) Any increase of rent authorised by this section shall be disregarded for the purposes of paragraph (b) of subsection (2) of section two of this Act.

Adjustment
as respects
services and
furniture.

4.—(1) Where, for any rental period, there is as respects—

- (a) the provision of services for the tenant by the landlord or a superior landlord, or
- (b) the use of furniture by the tenant under the terms of the tenancy,

or any circumstances relating thereto any difference, in comparison with the basic rental period, such as to affect the amount of the rent which it is reasonable to charge, the rent limit shall be increased or decreased by an appropriate amount; and where by virtue of this subsection the rent limit is increased for any rental period the rent for that period shall, notwithstanding anything in section two of this Act and without the service of any notice, be increased by the like amount.

(2) Any question whether, or by what amount, the rent limit is increased or decreased by virtue of the foregoing subsection shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—

- (a) may be made so as to relate to past rental periods; and
- (b) shall have effect as respects rental periods subsequent to the periods to which it relates until revoked or varied by such an agreement as aforesaid or by the county court.

Increase for
improvements.

5.—(1) If an improvement has been effected in a dwelling and the improvement was completed after the commencement of this Act, the rent limit under any controlled tenancy of the dwelling for rental periods beginning after the completion of the improvement shall, subject to the following provisions of this section, be increased by eight per cent. per annum of the amount

expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(2) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified by the notice may be any date after the service of the notice, and any such increase shall be disregarded for the purposes of paragraph (b) of subsection (2) of section two of this Act.

(3) A tenant on whom a notice specifying an increase authorised by this section is served may, not later than one month after the service of the notice or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase on the ground that the improvement was unnecessary or that a greater amount was expended on it than was reasonable, and the court may make an order accordingly, relating (if it is so provided by the order) not only to future but to past rental periods:

Provided that no application shall be made on the ground that an improvement was unnecessary if an improvement grant has been made in respect of the improvement under section twenty of the Housing Act, 1949, or if—

- (a) a tenant under the controlled tenancy consented in writing to the improvement, and
- (b) the consent contained an acknowledgement (however expressed) that the rent could be increased on account of the improvement.

(4) Where a grant has been made under the said section twenty or a repayment has been made under section twelve of the Clean Air Act, 1956 in respect of an improvement, the reference in subsection (1) of this section to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the grant or repayment.

6.—(1) In this section “contractual period” means a rental period beginning while a tenancy is current.

Variation of rent under contractual tenancy.

(2) Neither a notice of increase nor section four of this Act shall operate to increase the rent under a controlled tenancy for any contractual period except in so far as may be consistent with the terms of the tenancy.

(3) Where a notice of increase is served during the currency of a tenancy which could, by a notice to quit served by the landlord at the same time, be brought to an end before the date or earliest date specified in the notice of increase, the notice of increase shall operate to convert the tenancy into a statutory tenancy as from that date.

(4) Where the basic rental period of a controlled tenancy current at the commencement of this Act is a contractual period and the rent recoverable for that period includes an increase agreed or determined under section forty of the Housing Repairs and Rents Act, 1954, in respect of services which the landlord is not under the terms of the tenancy liable to provide, then, if those services are withheld in whole or in part during any contractual period, the rent recoverable for that period shall be decreased by an appropriate amount; and, without prejudice to the operation of section four of this Act in so far as it provides for a variation in the rent limit, subsection (2) of that section shall apply for the purpose of determining any question whether, or by what amount, the recoverable rent is decreased by virtue of this subsection.

(5) Subject to the last foregoing subsection, nothing in this Act shall affect the operation of any lease or agreement in so far as it provides for a reduction of rent during any contractual period.

Increase of rents of controlled houses in Scotland

Increase of
controlled
rents.

7.—(1) Where a dwelling-house in Scotland is subject to a controlled tenancy, and the landlord is responsible, wholly or in part, for the repair of the dwelling-house, then, subject to the provisions of this and the next following section, if and so long as the conditions justifying an increase of rent, that is to say the conditions specified in paragraph (a) of subsection (1) of section sixteen of the Housing (Repairs and Rents) (Scotland) Act, 1954 (in this and the three next following sections referred to as “the Act of 1954”), are fulfilled, the rent recoverable from the tenant shall, notwithstanding anything in the terms of the tenancy or any enactment, be increased by virtue of this subsection so as to exceed by the amount hereinafter mentioned the rent which apart from this subsection would be recoverable from the tenant under the terms of the tenancy and having regard to the provisions of any enactment.

(2) The amount of any increase payable by virtue of the foregoing subsection (which increase is hereinafter referred to as a “1957 Act increase”) shall be an amount equal to one-quarter of the rent which was recoverable in respect of the dwelling-house immediately before the commencement of the Act of 1954:

Provided that where the landlord is responsible in part only for the repair of the dwelling-house, the amount of the 1957 Act increase shall be reduced proportionately.

(3) The foregoing provisions of this section shall not apply in relation to a dwelling-house—

- (a) if it is one in relation to which, by virtue of subsection (3) of section sixteen of the Act of 1954, that section does not apply; or
- (b) if it is one in respect of which a repairs increase is recoverable.

In this and the two next following sections the expression “repairs increase” has the same meaning as in the Act of 1954.

(4) Any question arising under the foregoing provisions of this section whether the landlord is responsible for repairs or as to the amount of any reduction under the proviso to subsection (2) of this section shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the sheriff.

8.—(1) The provisions of sections seventeen to twenty-four and sections thirty-nine to forty-one of, and the Second Schedule to, the Act of 1954 shall apply in relation to a 1957 Act increase as they apply in relation to a repairs increase, and as so applied shall have effect subject to the modification that for any reference (except in section twenty) to Part II of the Act of 1954 and to a repairs increase or an increase under the said Part II there shall be substituted a reference to section seven of this Act and to a 1957 Act increase and subject also to the further modifications set out in the Third Schedule to this Act.

Supplementary provisions as to 1957 Act increases.

(2) The rent recoverable from the tenant of a dwelling-house shall be subject to be increased by way of a repairs increase in accordance with the provisions of Part II of the Act of 1954 notwithstanding that that rent has already been increased by way of a 1957 Act increase, but no sum shall be recoverable by way of 1957 Act increase in respect of any period in respect of which any sum is recoverable by way of repairs increase.

(3) Any certificate of a local authority granted under Part II of the Act of 1954 (including the Second Schedule thereto), any notice served by a local authority revoking such a certificate, any certificate of a sanitary authority having effect as such a certificate of a local authority, and any finding or order of the sheriff made under the said Part II or under the Rent Acts, the effect of which is to establish whether either or both of the conditions justifying an increase of rent under that Act are fulfilled, shall have effect for the purpose of establishing whether the conditions justifying an increase of rent by way of a 1957 Act increase are fulfilled as if it were a certificate, notice, finding or order granted, served or made for the purposes of section seven of this Act; and any such certificate, notice, finding or

order granted, served or made for the purposes of the said section seven shall have effect for the purpose of establishing whether either or both of the conditions justifying an increase of rent by way of a repairs increase are fulfilled as if it were granted, served or made for the purposes of the said Part II.

Amendments
of Act of
1954 as to
amount
of repairs
increase, etc.

9.—(1) Subsection (2) of section sixteen of the Act of 1954 (which provides that the amount of the repairs increase shall be an amount equal to two-fifths of the rent recoverable immediately before the commencement of that Act) and subsection (3) of section twenty-one of that Act (which limits the amount recoverable from a sub-tenant by way of repairs increase) shall have effect with the substitution for the words “two-fifths” of the words “one-half”.

(2) Where the rent recoverable from the tenant or sub-tenant of a dwelling-house has already been increased by way of a repairs increase of an amount ascertained in accordance with the Act of 1954 as originally enacted, no further increase shall be recoverable by virtue of the foregoing subsection unless the landlord or the tenant has served on the tenant or sub-tenant or a former tenant or sub-tenant a notice in the prescribed form specifying a date, not earlier than eight clear weeks after the service of the notice and (in the case of a notice served on a sub-tenant) not earlier than the date on which the further increase begins to be recoverable from the tenant, as the date on which such further increase is to begin; and no sum shall be recoverable on account of such further increase before, or in respect of any period before, that date.

(3) Subsection (1) of section nineteen of the Act of 1954 (which subsection provides that the increases of rent permitted by paragraphs (c) and (d) of subsection (1) of section two of the Act of 1920 shall cease to be recoverable in respect of any period during which a certificate granted or having effect as if granted under subsection (1) or subsection (2) of section eighteen of the Act of 1954 is in force or a court is satisfied that either or both of the conditions justifying an increase of rent were not fulfilled) shall cease to have effect:

Provided that nothing in this subsection shall have effect as respects any period before the commencement of this Act or shall affect the operation of subsection (1) of the said section nineteen in relation to any such certificate as aforesaid granted before the commencement of this Act or granted after such commencement in pursuance of an application made before such commencement.

(4) In this section “prescribed” means prescribed by regulations made by the Minister by statutory instrument, and the provisions of subsection (3) of section seventeen of the Act of

1954 shall apply to a form prescribed for the purposes of this section as they apply to a form prescribed for the purposes of that section.

(5) A notice of intention to increase the rent by way of a repairs increase shall not be served under section seventeen of the Act of 1954 in respect of a dwelling-house at any time within a period of four months after a notice of intention to increase the rent thereof by way of a 1957 Act increase has been served in respect of the dwelling-house, and any notice served in contravention of this subsection shall be void.

10.—(1) The conditions which are mentioned in any of the enactments specified in the next following subsection or which have effect by virtue of any undertaking or agreement entered into in pursuance of any such enactment shall, in so far as they relate to the rent to be charged in respect of any dwelling-house in Scotland, limit that rent, and if imposed before the commencement of this Act shall have effect as if they limited that rent, to an amount equal to the rent which might properly be charged in respect of that dwelling-house by virtue of those conditions together with any sum recoverable in respect thereof by way of repairs increase under the Act of 1954 or by way of 1957 Act increase.

Rents of
subsidised
private
houses in
Scotland.

(2) The enactments referred to in the foregoing subsection are—

- (a) section two of the Housing (Financial Provisions) Act, 1924;
- (b) section three of the Housing (Rural Workers) Act, 1926;
- (c) section one hundred and one of the Housing (Scotland) Act, 1950;
- (d) sub-paragraph (ii) of paragraph (c) of subsection (1) of section one hundred and fourteen of the Housing (Scotland) Act, 1950.

Release from Rent Acts and Furnished Houses Rent Control

11.—(1) The Rent Acts shall not apply to any dwelling-house the rateable value of which on the seventh day of November, nineteen hundred and fifty-six, exceeded, in the Metropolitan Police District or the City of London forty pounds, elsewhere in England or Wales thirty pounds, and in Scotland forty pounds.

Release from
control under
Rent Acts.

(2) The Rent Acts shall not apply to a tenancy created by a lease or agreement coming into operation at or after the commencement of this Act, and the tenant shall not by virtue of those Acts be entitled to retain possession as a statutory tenant on the coming to an end of such a tenancy:

Provided that this subsection shall not apply where the person to whom the tenancy is granted was immediately before the granting the tenant under a controlled tenancy and the premises comprised in one of the tenancies are the same as, or consist of or include part of, the premises comprised in the other.

(3) The Minister may by order provide that the Rent Acts shall not apply, as from such date as may be specified in the order, to dwelling-houses the rateable value of which, ascertained as on such date as may be specified in the order, exceeds such amount as may be so specified; and an order under this subsection may be made so as to relate to the whole of England and Wales, to the whole of Scotland, or to such area or areas in England and Wales or in Scotland as may be specified in the order, and so as to apply generally, or only to, or except to, such classes or descriptions of dwelling-houses as may be so specified.

The power conferred by this subsection to make orders shall be exercisable by statutory instrument, and no such order shall have effect until it is approved by a resolution of each House of Parliament.

(4) Nothing in the foregoing provisions of this section shall affect the operation of Part I of the Landlord and Tenant Act, 1954.

(5) Nothing in the foregoing provisions of this section shall affect the operation of section four of the Requisitioned Houses and Housing (Amendment) Act, 1955, but a person shall not be entitled to retain possession by virtue of this subsection after the thirty-first day of March, nineteen hundred and sixty-five.

(6) Where a controlled tenancy of a dwelling comes to an end by virtue of section sixty-five of the Housing Act, 1936, section fifty-five of the Housing (Scotland) Act, 1950, or section eleven of the Housing Repairs and Rents Act, 1954 (which relate to overcrowding), subsection (2) of this section shall not apply to the first tenancy created thereafter of the dwelling or any part thereof.

(7) The transitional provisions contained in the Fourth Schedule to this Act shall have effect in relation to dwelling-houses which cease to be subject to control by virtue of subsection (1) or (3) of this section; and those subsections shall have effect subject to the provisions of paragraph 3 of Part I of the Fifth Schedule to this Act.

Furnished
houses.

12.—(1) Subject to the provisions of this section, the Furnished Houses (Rent Control) Act, 1946, shall not apply to a contract (whether registered under that Act or not) relating to a dwelling of any class or description in any area if the rateable value of the dwelling on any date as on which rateable value

fell to be ascertained under subsection (1) of the foregoing section, or under an order which has come into force under subsection (3) thereof, was such that the Rent Acts do not apply to dwelling-houses of that class or description in that area and of that rateable value on that date.

(2) Where the said Act of 1946 ceases to apply to a contract (whether by virtue of the foregoing subsection or otherwise),—

- (a) a notice to quit given by the landlord before the time at which the said Act of 1946 ceases to apply to the contract shall not take effect earlier than the expiration of three months after that time unless the Tribunal constituted under section one of that Act have determined that the notice shall take effect at the end of a period or extended period expiring before the said three months;
- (b) a notice to quit given by the landlord within a year after the said time shall not take effect earlier than the expiration of three months after the giving of the notice;
- (c) so long as the contract continues in force, the rent payable thereunder shall be the same as if the said Act of 1946 had not ceased to apply to the contract.

(3) As respects a notice to quit current during a service man's period of residence protection (within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951) and relating to the rented family residence, the operation of section eleven of the Landlord and Tenant (Rent Control) Act, 1949, and of section fifteen of the said Act of 1951 (which relate to the suspension of notices to quit) shall not be affected by subsection (1) of this section whether the notice was given before or after the beginning of the period of residence protection:

Provided that nothing in this subsection shall apply where the rented family residence is excluded by subsection (2) of section fourteen of the said Act of 1951 from the operation of the said section fifteen.

(4) Where a dwelling is or forms part of a hereditament for which no rateable value was shown in the valuation list on a date referred to in subsection (1) of this section, that subsection shall have effect, in relation to that dwelling, as if for the first reference to that date there were substituted a reference to the first subsequent date on which a rateable value for that hereditament was shown in the valuation list.

(5) Where a contract referred to a Tribunal under the said Act of 1946 relates to a dwelling consisting of or comprising part only of a hereditament, and no apportionment of the rateable

or annual value of the hereditament has been duly made, then unless the landlord—

- (a) in the course of the proceedings requires that an apportionment shall be made by the county court, and
- (b) within two weeks of making the requirement brings proceedings in the county court for the making of the apportionment,

the Tribunal shall have jurisdiction to deal with the reference, notwithstanding that no apportionment has been made, if it appears to them that if an apportionment had been made its result would have been such that they would have had jurisdiction.

(6) Where rent is payable weekly under any contract to which the Furnished Houses (Rent Control) Act, 1946, applies, it shall be the duty of the landlord to provide a rent book or other similar document for use in respect of the dwelling, containing particulars of the rent and of the other terms and conditions of the contract; and if at any time after the expiration of two months from the commencement of this Act the landlord fails to comply with the requirements of this subsection he, and any person who on his behalf demands or receives rent under the contract, shall in respect of each week in which the failure occurs or continues be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

(7) This section shall apply to Scotland subject to the following modifications, that is to say—

- (a) for any reference to the Furnished Houses (Rent Control) Act, 1946, there shall be substituted a reference to the Rent of Furnished Houses Control (Scotland) Act, 1943;
- (b) for references to a hereditament and to the valuation list there shall be substituted references to lands and heritages and to the valuation roll; and
- (c) for references to the county court there shall be substituted references to the sheriff.

Provisions as to premiums, etc.

Premiums
not to be
charged for
decontrolled
tenancies.

13.—(1) As respects grant, renewal, continuance or assignment at any time during the period of three years beginning with the commencement of this Act, a tenancy excluded from the application of the Rent Acts by reason only of the provisions of subsection (1) or (2) of section eleven of this Act or of those provisions and of subsection (7) of section twelve of the Act of 1920 (which excludes from the Rent Acts tenancies where the rent is less than two-thirds of the rateable value) shall be treated as one to which section two of the Landlord and Tenant (Rent

Control) Act, 1949, applies (which section prohibits the requiring of premiums on the grant, renewal, continuance or assignment of tenancies to which the Rent Acts apply):

Provided that this subsection shall not affect the assignment of a tenancy granted before the commencement of this Act and not renewed or continued thereafter, being a tenancy to which subsection (7) of section twelve of the Act of 1920 applies.

(2) An order under subsection (3) of section eleven of this Act may provide that the foregoing subsection shall apply in relation to the order as it applies in relation to subsection (1) of the said section eleven, but with the substitution for the period mentioned in the foregoing subsection of such period, beginning with the date as from which the order excludes the application of the Rent Acts and ending not later than three years thereafter, as may be specified in the order.

14.—(1) Subsections (1) and (2) of section two of the Landlord and Tenant (Rent Control) Act, 1949, and subsection (6) of that section so far as it provides for the trial and punishment of persons contravening that section, shall apply to requiring the making of any loan (whether secured or unsecured) as they apply to requiring the payment of a premium in addition to rent.

Application to loans of provisions of Act of 1949 relating to premiums.

(2) The foregoing subsection shall not invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement, but any sum lent in circumstances involving a contravention of the said section two shall, notwithstanding anything in the agreement for the loan, be repayable to the lender on demand.

15.—(1) Where a tenancy is granted, continued or renewed in circumstances in which section thirteen of this Act applies, any requirement that rent shall be payable—

Restriction on requiring payment in advance of rent under decontrolled tenancies.

(a) before the beginning of the rental period in respect of which it is payable, or

(b) earlier than six months before the end of the rental period in respect of which it is payable, if that period is more than six months long,

shall be void, whether the requirement is imposed as a condition of the grant, renewal or continuance of the tenancy or under the terms thereof; and rent for any rental period to which a requirement avoided by this section relates shall be irrecoverable from the tenant.

(2) A person who purports to impose any requirement avoided by the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order any amount of rent paid in compliance with the requirement to be repaid to the person by whom it was paid.

Miscellaneous and Supplemental

Minimum length of notice to quit.

16. No notice by a landlord or a tenant to quit any premises let (whether before or after the commencement of this Act) as a dwelling shall be valid unless it is given not less than four weeks before the date on which it is to take effect.

Provisions to facilitate exchange of controlled dwellings.

17.—(1) Where it is so agreed in writing between the tenant under a statutory tenancy of a dwelling and a person proposing to occupy that dwelling (hereinafter referred to as the “incoming tenant”), the incoming tenant shall subject as hereinafter provided be deemed as from such date as may be specified in the agreement (hereinafter referred to as the “date of exchange”) to be the tenant of the dwelling under that statutory tenancy; and the question whether the provisions of the Rent Acts as to the succession by the widow of a deceased tenant or by a member of his family to the right to retain possession are capable of having effect in the event of the death of the incoming tenant shall be determined according as those provisions have or have not already had effect in relation to the statutory tenancy:

(2) An agreement under the foregoing subsection shall not have effect unless the landlord is a party thereto, and if the consent of any superior landlord would have been required to an assignment of the tenancy on the coming to an end of which the statutory tenancy arose the agreement shall not have effect unless the superior landlord is a party thereto.

(3) An agreement under subsection (1) of this section may provide that the provisions of the Rent Acts mentioned in that subsection shall be capable of having effect in the event of the death of the incoming tenant notwithstanding that they had effect in favour of the tenant to whom he succeeded.

(4) It shall be unlawful to require the payment of any pecuniary consideration for entering into an agreement under subsection (1) of this section; and—

(a) the amount of any payment made which under this subsection could not lawfully be required shall be recoverable by the person by whom it was made either by proceedings for its recovery or, if it was made to the landlord, by deduction from any rent payable by the said person to the landlord;

(b) a person requiring the payment of any consideration in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order the amount of the payment to be repaid by the person to whom it was paid:

Provided that subsection (4) of section two of the Landlord and Tenant (Rent Control) Act, 1949 (which allows an assignor

to charge the assignee for apportioned outgoings, improvements, and goodwill) shall apply with the substitution for the reference to subsection (2) of that section of a reference to this subsection, and for references to the assignor, the assignee and the taking effect of the assignment of references to the tenant, the incoming tenant and the date of exchange.

18.—(1) The following provisions of this section shall have effect for the purposes of section five of this Act or, in Scotland, for the purposes of paragraph (a) of subsection (1) of section two of the Act of 1920. Private street works to count as improvements.

- (2) Where works have been carried out on a street under—
- (a) section one hundred and fifty of the Public Health Act, 1875, or
 - (b) the Private Street Works Act, 1892, or
 - (c) any of the enactments referred to in section one of the Local Government (Street Works) (Scotland) Act, 1956, or
 - (d) the corresponding provisions of any local Act,

and any dwelling having access to the street is the subject of a controlled tenancy, the amount of any expenditure incurred after the commencement of this Act by the landlord or a superior landlord in the carrying out of the works, or of any liability so incurred by the landlord or a superior landlord in respect of the works to the authority by whom they were carried out (whether the liability is dischargeable in a lump sum or by instalments, but in the case of instalments exclusive of interest), shall (whether or not apart from this section it would be so treated) be treated as expenditure incurred by the landlord or superior landlord on improvement as mentioned in subsection (1) of section five of this Act or, as the case may be, in paragraph (a) of subsection (1) of section two of the Act of 1920:

Provided that if benefit accrues from the carrying out of the works not only to the dwelling but also to other premises of the landlord or superior landlord, the amount to be treated as aforesaid shall be so much only of the expenditure or liability as may be determined, by agreement in writing between the landlord and the tenant or by the county court, or in Scotland the sheriff, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the carrying out of the works, to the dwelling and to the other premises.

(3) For the purposes of this section the amount of any expenditure shall be treated as diminished by the amount of any contribution made in respect thereof under any enactment.

(4) Subsection (3) of section five of this Act and the proviso to paragraph (a) of subsection (1) of section two of the Act of 1920 shall not apply to any increase authorised by virtue of this section.

Jurisdiction of county court or sheriff, and procedure.

19.—(1) The county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of the Rent Acts, as to the rent limit, or the rent actually recoverable, under a controlled tenancy, as to the application of the Furnished Houses (Rent Control) Act, 1946, to any contract, or as to any matter which is or may become material for determining any such question as aforesaid.

(2) In Scotland, the sheriff shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of the Rent Acts or of the Rent of Furnished Houses Control (Scotland) Act, 1943, or as to any matter which is or may become material for determining any such question.

(3) Section seventeen of the Act of 1920 (which relates to rules of procedure and the jurisdiction of the county court) shall apply in relation to this Act as it applies in relation to that Act.

(4) Any apportionment of rates, gross value or rateable value made by the county court or the sheriff for the purposes of this Act, and any apportionment made by the court or sheriff under the proviso to subsection (2) of the foregoing section, shall be final and conclusive.

Rents of subsidised private houses.

20.—(1) In so far as the conditions mentioned in any of the following enactments, that is to say,—

- (a) section two of the Housing (Financial Provisions) Act, 1924 ;
- (b) section three of the Housing (Rural Workers) Act, 1926 ;
- (c) section three of the Housing (Financial Provisions) Act, 1938 ;
- (d) section twenty-three of the Housing Act, 1949 ;
- (e) section three of the Housing Act, 1952,

relate to the rent to be charged in respect of any dwelling they shall limit that rent, and if imposed before the commencement of this Act shall have effect as if they limited that rent, to the amount of the rent limit ; but if the conditions were imposed before the commencement of this Act and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsection (1) of section one of this Act, the rent limit shall be that amount, subject however to the provisions of subsection (2) of that section.

(2) Where any such condition as aforesaid has been registered in the register of local land charges the proper officer of the local authority shall record in that register any change in that condition effected by this section.

(3) Where any such condition as aforesaid limits the rent under a tenancy which is not a controlled tenancy then, subject to the next following subsection,—

- (a) subsection (1) of this section shall have effect, in relation to that tenancy, as if for the reference to the amount of the rent limit there were substituted a reference to the amount which would be the rent limit if the tenancy were a controlled tenancy ; and
- (b) in ascertaining that amount in a case where a dwelling was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after the seventh day of November, nineteen hundred and fifty-six, any entry in that list before the change shall be disregarded ; and
- (c) the provisions of this Act enabling rents to be increased and conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.

(4) In relation to a tenancy falling within paragraph (c) or (d) of section thirty-three of the Housing Repairs and Rents Act, 1954 (which exclude from the operation of the Rent Acts certain tenancies where the interest of the landlord belongs to a housing association or a housing trust),—

- (a) paragraphs (a) to (c) of the last foregoing subsection shall not apply ; but
- (b) the condition shall limit the rent, and if imposed before the commencement of this Act shall have effect as if it limited the rent, to such amount as may from time to time be agreed between the association or trust and the local authority (or the London County Council in the case of houses the construction of which was promoted by them or in respect of which improvement grants were made by them under the Housing Act, 1949) or as may, in default of agreement, be determined by the Minister ; but if the condition was imposed before the commencement of this Act it shall, until the said amount has been agreed or determined under this paragraph, have effect as if this Act had not been passed.

21.—(1) The Rent Acts shall not apply to any long tenancy, Long without prejudice however to the operation of subsection (3) of tenancies. section fifteen of the Act of 1920.

(2) Part I of the Landlord and Tenant Act, 1954, shall apply to long tenancies not at a low rent as it applies to long tenancies at a low rent.

Statutory tenancies of requisitioned houses.

22.—(1) The following provisions shall have effect in the case of a statutory tenancy subsisting under section four of the Requisitioned Houses and Housing (Amendment) Act, 1955 (which applies the Rent Acts to occupiers of certain dwellings formerly requisitioned and empowers the local authority to contribute to the rent):—

- (a) a notice of increase applying to rent for any rental period beginning before the first day of April, nineteen hundred and sixty-five, shall not have effect unless not later than three days after the service of the notice the landlord serves a copy of the notice on the local authority;
- (b) the local authority shall have such powers of applying to the county court as are conferred by this Act on the tenant;
- (c) the local authority shall be a necessary party to any agreement, and to any proceedings in any court, affecting the amount of the rent for any such rental period as aforesaid.

In this subsection the expression “the local authority” means the local authority (within the meaning of the said Act of 1955) which gave the invitation by virtue of the acceptance of which the statutory tenancy arose.

(2) The said section four shall be amended as follows:—

- (a) in paragraph (b) of subsection (2) the words from “at a rent” to “this section” shall be omitted, and after the words “terms and conditions” there shall be inserted the words “(other than terms as to rent)”;
- (b) in subsection (3) for the words “The standard rent” there shall be substituted the words “Subject to the provisions of subsection (4) of this section and of the Rent Act, 1957, the rent”, and the words from “and for the purposes” to the end of the subsection shall be omitted.

Concurrence of superior landlords to agreements as to 1956 gross value and rateable value.

23. Where the landlord is himself a tenant, then unless he is tenant under a tenancy having a term with more than seven years to run an agreement between him and his tenant relating to the amount of the 1956 gross value or of the rateable value of the dwelling-house shall not have effect, for the purposes of the provisions of this Act relating to controlled tenancies and to the application of the Rent Acts, except with the concurrence in writing of his immediate landlord.

24. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in—

Payments out of moneys provided by Parliament.

- (a) the sums required by the Minister for making payments to local authorities under Part I of the Requisitioned Houses and Housing (Amendment) Act, 1955, and
- (b) the sums payable out of moneys provided by Parliament under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

25.—(1) In this Act, except so far as the context otherwise requires:—

Interpretation.

“the Rent Acts”, “the Act of 1920”, “the Act of 1933”, “landlord”, “tenant”, “tenancy”, “statutory tenancy” and “local authority” have the meanings assigned to them by subsection (1) of section forty-nine of the Housing Repairs and Rents Act, 1954, or as respects Scotland by subsection (1) of section thirty-nine of the Housing (Repairs and Rents) (Scotland) Act, 1954;

“appropriate factor” means the number by which the 1956 gross value is to be multiplied in determining the rent limit;

“basic rental period” means the rental period comprising the commencement of this Act or, in the case of a controlled tenancy beginning thereafter, the first rental period of the tenancy;

“controlled tenancy” means a tenancy to which the Rent Acts apply or a statutory tenancy;

“dwelling”, except in section sixteen of this Act, means in relation to a controlled tenancy the aggregate of the premises comprised in the tenancy, and in relation to a contract the aggregate of the premises to which the contract relates;

“improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;

“long tenancy” and “tenancy at a low rent” have the meanings assigned to them by subsections (4) and (5) of section two of the Landlord and Tenant Act, 1954;

“1956 gross value”, in relation to a dwelling, means, subject to the provisions of the Fifth Schedule to this Act, the gross value thereof as shown in the valuation list on the seventh day of November, nineteen hundred and fifty-six, or, where the dwelling forms

part only of a hereditament shown in that list, such proportion of the gross value shown in that list for that hereditament as may be agreed in writing between the landlord and the tenant or determined by the county court ;

“ notice of increase ” means a notice of increase under section two of this Act ;

“ prescribed ” means prescribed by regulations under section fourteen of the Act of 1933, and references in this Act to a prescribed form include references to a form substantially to the same effect as the prescribed form ;

“ rateable value ” shall be construed as provided in Part I of the Fifth Schedule to this Act ;

“ rates ” includes water rents and charges but does not include an owner’s drainage rate within the meaning of paragraph (a) of subsection (2) of section twenty-four of the Land Drainage Act, 1930 ; and any references in this Act to rates in respect of any dwelling include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the landlord and the tenant or determined by the county court ;

“ rental period ” means a period in respect of which a payment for rent falls to be made ;

“ the Minister ” means the Minister of Housing and Local Government, or as respects Scotland the Secretary of State ;

“ the valuation officer ” has the same meaning as in Part III of the Local Government Act, 1948.

(2) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling, the two shall be treated for the purposes of this Act, in its application to England and Wales, as together constituting one controlled tenancy.

(3) Any reference in this Act, in its application to England and Wales, to rent shall be construed as a reference to rent—

(a) exclusive of any sums recoverable as rent under section sixteen of the Landlord and Tenant Act, 1927 (which enables landlords to recover, as rent, sums in respect of increases in taxes, rates or fire premiums ascribable to improvements made by tenants) other than—

(i) sums so recoverable in respect of increases in rates, or

(ii) sums referable to improvements executed by the tenant before the first day of April, nineteen hundred and fifty-six, or

- (iii) sums referable to improvements executed by him after that day but affecting the 1956 gross value by reason of a proposal made before the first day of April, nineteen hundred and fifty-seven;
- (b) exclusive of any sums recoverable as rent under the First Schedule to the Landlord and Tenant Act, 1954;
- (c) without taking into account any deduction falling to be made under the First Schedule to the Landlord and Tenant (Rent Control) Act, 1949 (which provides for the recovery of premiums by deduction from rent) or under paragraph 1 of the Second Schedule to the Landlord and Tenant Act, 1954 (which empowers the court to order a reduction of rent where the landlord fails to carry out initial repairs).

(4) References in this Act to any enactment are references to that enactment as amended by any other enactment, including, except where the context otherwise requires, this Act.

26.—(1) The provisions of the Sixth Schedule to this Act shall have effect for applying certain enactments for the purposes of this Act and for making certain minor and consequential amendments of enactments.

(2) The transitional provisions contained in the Seventh Schedule to this Act shall have effect.

(3) The enactments specified in Part I of the Eighth Schedule to this Act are hereby repealed, in their application to England and Wales, to the extent specified in the third column of that Part of that Schedule; and the enactments specified in Part II of that Schedule are hereby repealed, in their application to Scotland, to the extent specified in the third column of the said Part II.

27.—(1) This Act may be cited as the Rent Act, 1957.

(2) This Act shall come into force on the expiration of the period of one month which begins with the date of the passing thereof.

(3) The following provisions of this Act, that is to say, sections seven to nineteen, sections twenty-three and twenty-five, subsections (1) and (3) of section twenty-six, this section, the Third and Fourth Schedules, Part I of the Fifth Schedule, the Sixth Schedule, and Part II of the Eighth Schedule shall, so far as applicable, and subject to any modification specified therein, extend to Scotland, but the other provisions of this Act shall not extend to Scotland.

(4) This Act shall not extend to Northern Ireland.

Application of enactments, minor amendments, transitional provisions and repeals.

Short title, commencement and extent.

Section 1.

SCHEDULES

FIRST SCHEDULE

ADJUSTMENT OF RENT IN RESPECT OF REPAIRS

PART I

ADJUSTMENT OF RENT LIMIT

1.—(1) The following provisions shall have effect in ascertaining the rent limit by reference to the 1956 gross value.

(2) If under the terms of the tenancy the tenant is responsible for all repairs, the appropriate factor shall be four-thirds.

(3) If under the terms of the tenancy the tenant is responsible for some, but not all, repairs, the appropriate factor shall be such number less than two but greater than four-thirds as may be agreed in writing between the landlord and the tenant or determined by the county court.

2.—(1) In the foregoing paragraph the expression "repairs" does not include internal decorative repairs, but if the landlord is responsible for internal decorative repairs under the terms of the tenancy, or neither the landlord nor the tenant is responsible therefor under the terms of the tenancy but the landlord elects to be treated for the purposes of this Act as responsible therefor,—

(a) "seven-thirds" and "five-thirds" shall be substituted respectively for "two" and "four-thirds" in section one of this Act and the foregoing paragraph, and

(b) as respects any rental period beginning after the election, the question whether the rent limit is to be ascertained under subsection (1) or under subsection (3) of the said section one shall be determined as if the election had always had effect.

(2) An election under this paragraph shall be made by notice in the prescribed form served on the tenant and shall continue in force notwithstanding any change in the person of the landlord.

(3) An election under this paragraph shall not have effect if the tenant dissents from it in writing within one month of the service on the tenant of the notice under the foregoing sub-paragraph; but if the tenant duly dissents the First Schedule to the Act of 1933 shall thereafter have effect in relation to the dwelling as if the grounds for possession specified in paragraph (a) thereof included the ground that the tenant has failed to keep the dwelling in a reasonable state of internal decorative repair, having due regard to its age, character and locality.

PART II

ABATEMENT FOR DISREPAIR

Notification of disrepair to landlord

3. The provisions of this Part of this Schedule shall have effect where the tenant under a controlled tenancy serves on the landlord a notice in the prescribed form stating that the dwelling or any part thereof is in disrepair by reason of defects specified in the notice, and that those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling, and requesting the landlord to remedy them.

*Landlord's undertaking to repair: and certificates
of disrepair*

1ST SCH.
—cont.

4.—(1) If, on the expiration of six weeks from the service of a notice under the last foregoing paragraph, any of the defects specified in the notice remain unremedied, then unless the landlord has given an undertaking in the prescribed form to remedy those defects or such of them as the tenant may agree in writing to accept as sufficient, the tenant may in the prescribed form apply to the local authority for a certificate of disrepair.

Any such application shall be accompanied by a copy of the said notice.

(2) Where an application under this paragraph is made to a local authority and the local authority are satisfied that the dwelling or any part thereof is in disrepair by reason of defects specified in the said notice and that all or any of those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling, they shall issue to the tenant a certificate of disrepair accordingly and any such certificate shall be in the prescribed form and shall specify the defects as to which the local authority are satisfied as aforesaid, stating that the local authority are so satisfied.

(3) If on an application by the tenant the county court is satisfied, as respects any defects, that the local authority have failed to issue a certificate of disrepair which ought to have been issued, the court shall direct the authority to proceed on the footing that, in relation to those defects, they are satisfied as to the matters specified in the foregoing sub-paragraph; and if on an application by the tenant the county court is satisfied that any defect not specified in a certificate of disrepair ought to have been specified therein, the court shall order that the defect shall be deemed to have been specified in the certificate.

(4) The local authority shall not be concerned to inquire into any obligation as between a landlord and tenant or into the origin of any defect; but if on an application by the landlord the county court is satisfied, as respects any defect specified in a certificate of disrepair, that it is one for which the tenant is responsible, the court shall cancel the certificate as respects that defect.

(5) If on an application by the landlord the county court is satisfied as respects any defect specified in a certificate of disrepair that it ought not to have been specified, the court shall cancel the certificate as respects that defect.

(6) Where a certificate of disrepair is cancelled under this paragraph as respects all the defects specified therein it shall be deemed never to have had effect, and where it is so cancelled as respects some only of the defects specified therein it shall be deemed never to have had those defects specified therein.

5. Notwithstanding anything in the last foregoing paragraph, a local authority shall not issue a certificate of disrepair until the expiration of three weeks from the service by them on the landlord of a notice in the prescribed form stating that the authority propose to issue the certificate of disrepair and specifying the defects to

1ST SCH.
—cont.

which it is to relate; and if within the said three weeks the landlord gives an undertaking in the prescribed form to remedy those defects and serves a copy of the undertaking on the local authority, the authority shall not issue the certificate:

Provided that where—

- (a) a previous certificate of disrepair under this Schedule has been issued against the landlord in respect of the dwelling or any part thereof, or
- (b) the landlord has previously become liable under subsection (3) of section ten of the Housing Act, 1936, as the person having control of the dwelling or of any premises comprising the dwelling, to repay to the local authority (within the meaning of that section) any expenses incurred by them under that section, or
- (c) the landlord has previously given an undertaking under this Schedule in respect of the dwelling, or any other dwelling in the area of the local authority, and any of the defects to which that undertaking related remained unremedied on the expiration of six months from the giving thereof, or
- (d) the landlord has previously been convicted of an offence under section ninety-five of the Public Health Act, 1936, of failing to comply with, or contravening, a nuisance order or an offence under paragraph 12 of the Fifth Schedule to the Public Health (London) Act, 1936, of failing to comply with an abatement order or contravening a prohibition order or a closing order,

the local authority may refuse to accept the undertaking and may issue a certificate of disrepair, and if they do so the undertaking shall be deemed never to have been given.

6.—(1) Where, after the issue of a certificate of disrepair, the landlord applies to the local authority for the cancellation of the certificate on the ground that the defects specified in the certificate have been remedied, the local authority shall serve on the tenant a notice to the effect that unless an objection from the tenant is received by them within three weeks from the service of the notice on the ground that the said defects or any of them have not been remedied, they propose to cancel the certificate.

(2) If no objection is received as aforesaid, or if in the opinion of the local authority the objection is not justified, they shall cancel the certificate as from the date of the application or such later date as appears to them to be the date on which the said defects were remedied.

(3) Where the landlord has applied to the local authority for the cancellation of a certificate of disrepair, and the authority have not cancelled the certificate, the landlord may apply to the county court, and if on the application the court is satisfied that the certificate ought to have been cancelled by the local authority the court shall order that the certificate shall cease to have effect as from the date of the order or such earlier date as may be specified in the order.

(4) Where the local authority have cancelled a certificate of disrepair, the tenant may apply to the county court, and if on the application the court is satisfied that the certificate ought not to have been cancelled the court may order that it shall be deemed not to have been cancelled.

1ST SCH.
—cont.

Abatement of rent where certificate issued or undertaking not carried out

7.—(1) Where an application for a certificate of disrepair is granted, any notice of increase served during the period beginning six months before the date of the application and ending when the certificate ceases to be in force shall have no effect as respects any rental period beginning while the certificate is in force, except in so far as it specifies an increase authorised by section three or five of this Act.

(2) Where a certificate of disrepair is issued, then as respects any rental period beginning while the certificate is in force the appropriate factor shall be four-thirds, and the rent limit shall be ascertained under subsection (1) of section one of this Act notwithstanding anything in subsection (3) of that section or subsection (1) of section twenty of this Act or sub-paragraph (3) of paragraph 8 of the Sixth Schedule thereto.

(3) A notice of increase served while a certificate of disrepair is in force shall be void unless it contains a statement that it will not take effect while the certificate is in force except in so far as the increase specified in it is authorised by section three or five of this Act.

(4) Without prejudice to sub-paragraphs (1) to (3) of this paragraph, the tenant shall be entitled to withhold rent otherwise recoverable for rental periods beginning while the certificate of disrepair continues in force up to an aggregate amount equal to the aggregate amount of rent for rental periods which began—

(a) on or after the date of the application for the certificate of disrepair, and

(b) before the granting thereof,

being rent which would have been made irrecoverable by the foregoing provisions of this paragraph if the certificate had been in force throughout those rental periods, so however that for any rental period the amount of rent withheld by virtue of this sub-paragraph shall not exceed the amount of rent made irrecoverable by the foregoing provisions of this paragraph for the first rental period beginning while the certificate is in force.

(5) Where under paragraph 4 of this Schedule an application is made to the court for the cancellation of a certificate of disrepair as respects all the defects specified therein, and the application is made within three weeks after the issue of the certificate, the rent recoverable for any rental period beginning while proceedings on the application are pending shall, until those proceedings are concluded, be deemed to be the same as if the certificate had not been issued.

1ST SCH.
—cont.

8.—(1) If on the expiration of six months from the giving of such an undertaking as is mentioned in paragraph 4 or 5 of this Schedule any defects to which the undertaking relates remain unremedied the same consequences shall follow as if a certificate of disrepair had then been issued and had continued in force until the remedying of the defects, and (where the undertaking was given before any application for such a certificate had been made) as if such an application had been made when the undertaking was given.

(2) Where such an undertaking has been given the landlord or the tenant may apply to the local authority for a certificate under this sub-paragraph, and the local authority shall certify whether any, and if so which, of the defects to which the undertaking relates remain unremedied.

(3) A certificate under the foregoing sub-paragraph shall in any proceedings be evidence until the contrary is proved of the matters certified.

9.—(1) If a certificate of disrepair is issued to the tenant of a dwelling, and the dwelling, or any part thereof which is in disrepair by reason of defects specified in the certificate, is subject to a sub-tenancy, being a controlled tenancy, then unless a certificate of disrepair in respect of those defects has been issued to the sub-tenant the same consequences shall follow as between the tenant and the sub-tenant as if a certificate of disrepair had been issued to the sub-tenant when the certificate was issued to the tenant, had specified the same defects as the certificate issued to the tenant, had been issued on an application made by the sub-tenant when the tenant applied for the certificate issued to him, and had continued in force for the same period as that certificate.

(2) Where sub-paragraph (1) of the foregoing paragraph has effect as between the landlord and the tenant, the foregoing sub-paragraph shall have effect accordingly as between the tenant and the sub-tenant.

(3) Nothing in this paragraph shall prejudice the power of the sub-tenant to obtain a certificate of disrepair or the effect of any undertaking given to the sub-tenant.

General and supplemental

10. The provisions of this Part of this Schedule shall apply, while a controlled tenancy continues, notwithstanding any change in the person of the landlord or the tenant.

11.—(1) The defects which may be specified in a certificate of disrepair shall not include any defects in the state of internal decorative repair unless the landlord is responsible for internal decorative repairs under the terms of the tenancy or is to be treated as responsible therefor by virtue of an election under paragraph 2 of this Schedule.

(2) In considering whether or not to issue a certificate of disrepair or what defects to specify in such a certificate the local authority shall treat the landlord as responsible for internal decorative repairs if the application for the certificate alleges that he is responsible therefor or that he is to be treated as responsible therefor by virtue of such an election as aforesaid, but in any other case the local authority shall treat the landlord as not responsible for such repairs.

(3) Sub-paragraph (4) of paragraph 4 of this Schedule shall apply in relation to a defect in the state of internal decorative repair as if for the words "for which the tenant is responsible" there were substituted the words "for which the landlord is not responsible and is not to be treated as responsible by virtue of an election under paragraph 2 of this Schedule".

12.—(1) On any application to the local authority for a certificate of disrepair or a certificate under sub-paragraph (2) of paragraph 8 of this Schedule there shall be paid to the local authority a fee of two shillings and sixpence, but where a certificate of disrepair, or a certificate under the said sub-paragraph (2) certifying that any defects remain unremedied, is granted to the tenant he shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

(2) If a certificate of disrepair is cancelled by the court under paragraph 4 of this Schedule as respects all the defects specified in the certificate, any sum deducted under this paragraph may be recovered by the landlord.

(3) On any application to the local authority for the cancellation of a certificate of disrepair there shall be paid to the local authority a fee of two shillings and sixpence.

13. In the case of a controlled tenancy of a dwelling which forms part of any other premises owned by or under the control of the landlord or a superior landlord,—

- (a) any disrepair of the roof or of any other part of those premises which results, or may result, in disrepair of the dwelling, and
- (b) any disrepair of any staircase or other approach to the dwelling contained in those premises,

shall be treated for the purposes of this Part of this Schedule as if it were disrepair of the dwelling.

14. The local authority shall serve a copy of every certificate of disrepair issued by them on the landlord.

15. In this Part of this Schedule references to defects for which the tenant is responsible are references to defects for the remedying of which, as between the landlord and the tenant, the tenant is responsible, or defects which are due to any act, neglect or default of the tenant or any person claiming under him or any breach by the tenant or such a person of any express agreement.

16. Nothing in subsection (3) of section twenty of this Act shall be construed as applying the provisions of this Part of this Schedule to a tenancy which is not a controlled tenancy.

PART III

OVERSEAS COMPANIES

17. In a case falling within subsection (3) of section two of this Act, except where the tenant is responsible for all repairs a notice of increase served in respect of the dwelling by the landlord referred to in the said subsection (3) shall not have effect unless either a certificate of repair has been issued to the landlord with respect to

1st Sch.
—cont.

the dwelling not earlier than twelve months before the service of the notice of increase or a previous notice of increase served by that landlord in respect of the dwelling has had effect.

18.—(1) If, on an application for a certificate of repair made by the landlord in the prescribed form and stating the name of the tenant, the local authority are satisfied that the state of repair of the dwelling is such that (without regard to paragraph 11 of this Schedule) no certificate of disrepair could be issued in respect of the dwelling, the local authority shall issue the certificate of repair and shall serve a copy of the certificate on the tenant.

(2) On any application for a certificate of repair there shall be paid to the local authority a fee of two shillings and sixpence.

19. If on an application for a certificate of repair the local authority are not satisfied as aforesaid, the authority shall send to the landlord a statement of the defects in consequence of which they are unable to issue the certificate of repair; and if on an application to the county court the landlord proves that all the defects specified in the statement are either defects for which the tenant is responsible or defects amounting only to internal decorative disrepair and for which the landlord is not responsible, the court shall order the local authority to issue a certificate of repair.

20. If after the issue of a certificate of repair a certificate of disrepair is issued in respect of the same dwelling, the certificate of repair shall be deemed never to have been issued.

21. Paragraph 15 of this Schedule shall apply to this Part of this Schedule as it applies to Part II thereof.

Sections 1, 3.

SECOND SCHEDULE

CALCULATION OF AMOUNT OF RATES

1. Subject to the following provisions of this Schedule, the amount of the rates for any rental period shall for the purposes of this Act be taken to be an amount which bears to the total rates payable during the rating period during which the rent for that rental period is payable the same proportion as the length of the rental period bears to the length of the rating period.

2. As respects rental periods which precede the making, by the authority levying the rates, of their first demand for, or for an instalment of, the rates for a rating period, the said amount shall be calculated on the basis that the rates for that rating period will be the same as the rates for the last preceding rating period.

3.—(1) On the making, by the authority levying the rates, of their first such demand, and on the making by them of any subsequent such demand, the said amount shall if necessary be recalculated on the basis that the rates for the rating period will be such as appears from the information given in the demand and any previous demands.

(2) Any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than six weeks before the date of the service of the demand giving rise to the recalculation.

4. If, as the result of the settlement of a proposal, the rates payable for any rating period are decreased, the said amount shall be recalculated so as to give effect to the decrease; but any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than six weeks before the date of the settlement of the proposal.

2ND SCH.
—cont.

5. In computing the rates for any rating period for the purposes of this Schedule, any discount, and any allowance made under any of the enactments relating to allowances given where rates are paid by the owner instead of by the occupier, shall be left out of account, and accordingly the said rates shall be computed as if no such discount and no such allowance had fallen to be, or had been, allowed or made.

THIRD SCHEDULE

Section 8.

MODIFICATIONS OF PROVISIONS OF ACT OF 1954 IN APPLICATION TO 1957 ACT INCREASES IN SCOTLAND

- Section seventeen ... In subsection (1), paragraph (b) shall be omitted, and at the end of the section the following subsection shall be added—
“ (4) A notice of intention to increase the rent by way of a 1957 Act increase shall not be served under this section in respect of a dwelling-house at any time within a period of four months after a notice of intention to increase the rent thereof by way of a repairs increase has been served in respect of the dwelling-house, and any notice served in contravention of this subsection shall be void”.
- Section twenty ... In subsection (1) the words “and the First Schedule thereto” shall be omitted.
- Section twenty-one ... In subsection (3) for the word “two-fifths” there shall be substituted the word “one-quarter”.
- Section twenty-three... In subsection (1) the words “and the First Schedule thereto” shall be omitted.
- Section thirty-nine ... The definition of “controlled tenancy” and any reference to the First and Third Schedules to the Act of 1954 shall be omitted.
- Section forty-one ... Subsection (1) shall have effect as if among the enactments therein mentioned there were included subsection (4) of section seven of this Act.
- Second Schedule ... Any reference to section sixteen of the Act of 1954 shall include a reference to section seven of this Act.
In paragraph 3, sub-paragraphs (b) and (c) shall be omitted.
Paragraph 5 shall be omitted.

FOURTH SCHEDULE

TRANSITIONAL PROVISIONS ON DECONTROL

1. In this Schedule "the time of decontrol" means the time at which the Rent Acts cease to apply to a dwelling-house by virtue of subsection (1) or (3) of section eleven of this Act.

2.—(1) Where immediately before the time of decontrol the dwelling-house was the subject of a statutory tenancy or of a controlled tenancy which would or might come to an end within fifteen months of that time by effluxion of time or notice to quit, the tenant under that tenancy shall be entitled until the date hereinafter mentioned, and subject to the following provisions of this Schedule, to retain possession of the dwelling-house in the like circumstances, to the like extent and subject to the like provisions (including in particular provisions as to recovery of possession by the landlord) as if the Rent Acts had not ceased to apply to the dwelling-house.

(2) The said date is such date as may be specified in a notice served on the tenant by the landlord at or after the time of decontrol, being a date not earlier than fifteen months after the time of decontrol nor than six months after the service of the notice, but nothing in this paragraph shall prevent the execution of an order for possession obtained by the landlord before the time of decontrol.

(3) Where for the purposes of section eleven of this Act the rateable value of the dwelling-house falls to be ascertained by apportionment, no notice shall be served under sub-paragraph (2) of this paragraph until the apportionment has been made in accordance with the provisions of this Act.

(4) Where sub-paragraph (1) of this paragraph applies and at any time between the time of decontrol and the time when the tenant ceases to be entitled to retain possession by virtue of this Schedule there is current, in relation to the tenant, a period of residence protection (within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951), the date which may be specified in a notice under sub-paragraph (2) of this paragraph shall not be earlier than the expiration of fifteen months after the end of the period of residence protection, and any such notice served before the beginning of that period which specifies an earlier date, being a notice which would have had effect apart from this sub-paragraph, shall have effect as if the date specified therein were the date on which the said fifteen months expires.

(5) Where the tenancy in respect of which a notice is served under sub-paragraph (2) of this paragraph is terminable by notice to quit but has not been terminated by the date specified in the notice, the notice shall operate to terminate the tenancy at that date.

(6) This paragraph shall not apply to a tenancy to which, immediately after the time of decontrol, Part II of the Landlord and Tenant Act, 1954, applies.

3. Where sub-paragraph (1) of the foregoing paragraph applies the rent recoverable from the tenant for any rental period beginning after the time of decontrol shall, whether the tenancy continues or

he retains possession by virtue of this Schedule, be the same as would have been recoverable if section one of this Act had provided in all cases for a rent limit equal to the rent recoverable from the tenant for the last rental period beginning before the time of decontrol, that rent limit being subject to adjustment under section three of this Act but not to any other alteration.

4TH SCH.
—cont.

4. If before the date specified under sub-paragraph (2) of paragraph 2 of this Schedule the landlord and tenant agree for the creation of a tenancy of the premises of which the tenant is entitled to retain possession by virtue of that paragraph, being a tenancy not expiring, or terminable by notice to quit given by the landlord, earlier than three years from the commencement thereof, the two last foregoing paragraphs shall cease to apply as from the commencement of that tenancy.

5.—(1) Where sub-paragraph (1) of paragraph 2 of this Schedule applies, then if the tenant gives up possession of the dwelling-house at the end of the tenancy therein mentioned, or on ceasing to retain possession by virtue of this Schedule, he shall be entitled, if he has made a claim for the purpose at any time before giving up possession, to be paid by his landlord compensation in respect of any improvement on the dwelling-house, not being a fixture which he is by law entitled to remove, which on his giving up possession adds to the value of the dwelling-house, being an improvement made by him, by any other person who retained possession of the dwelling-house by virtue of this Schedule, or by any other person being a tenant under the said statutory or controlled tenancy, and completed after the fifteenth day of August, nineteen hundred and forty-five.

(2) The sum to be paid as compensation for any improvement shall not exceed the net addition to the value of the dwelling-house as a whole which may be determined to be the direct result of the improvement, allowance being made for any benefits which may have been received from the landlord or his predecessors in title in consideration expressly or impliedly of the improvement; and in determining the amount of the said net addition regard shall be had to the purposes for which it is intended that the dwelling-house shall be used after possession has been given up, and, if it is shown that it is intended to demolish or to make structural alterations in the dwelling-house or any part thereof or to use it for a different purpose, regard shall be had to the effect of such demolition, alteration or change of use on the additional value attributable to the improvement, and to the length of time likely to elapse between the giving up of possession and the demolition, alteration or change of use.

(3) In determining the amount of compensation under this paragraph regard shall be had to any diminution in the value of any other property belonging to the same landlord, or to any superior landlord from whom the immediate landlord directly or indirectly holds, which is the direct result of the improvement.

(4) No compensation shall be payable under this paragraph if the improvement is one of a kind for which a claim for compensation may be made under section one of the Landlord and Tenant Act, 1927, or if the person by whom the improvement was made was under an obligation to make it in pursuance of a contract entered

4TH SCH.
—cont.

into for valuable consideration, or if the improvement was made in breach of the terms of the controlled tenancy, or if before the completion thereof the landlord notified the person by whom it was made, in writing, that the landlord objected to the improvement.

(5) Any question whether compensation is payable under this paragraph, or as to the amount of any such compensation, shall be determined by the county court; and if the court determines that, on account of the intention to demolish or alter, or to change the use of, the dwelling-house, no compensation or a reduced amount of compensation shall be paid, the court may authorise a further application for compensation to be made by the claimant if effect is not given to the intention within such time as may be fixed by the court.

(6) Where the landlord is himself a tenant of the dwelling-house, he may recover from his landlord such part (if any) of any compensation payable by him under this paragraph as may be agreed between the parties or determined by the county court to be just having regard to the terms of his tenancy, and in particular the length of the unexpired term thereof, and to all other relevant circumstances; and the foregoing provisions of this sub-paragraph shall apply in relation to sums recoverable thereunder as they apply to compensation under this paragraph.

(7) Section thirteen of the Landlord and Tenant Act, 1927 (which confers power to apply and raise capital money for the payment of compensation under that Act), shall apply to compensation or other sums (including costs, charges and expenses) payable by a landlord by virtue of this paragraph as it applies to such compensation and other sums as are mentioned in that section.

6. Where at the time of decontrol any proceedings are pending for the variation of the rent recoverable from the tenant no further steps shall be taken in the proceedings except in relation to costs.

7. Where a tenancy, not being one falling within sub-paragraph (1) of paragraph 2 of this Schedule, continues after the time of decontrol, and immediately before that time any part of the rent recoverable was so recoverable (by virtue of any enactment) in addition to the rent recoverable under the terms of the tenancy,—

(a) neither the repeals effected by this Act nor anything in section eleven thereof shall affect the recovery of that part of the rent in respect of any rental period after the time of decontrol, but

(b) if such a part of the rent consists of or includes an increase agreed or determined under section forty of the Housing Repairs and Rents Act, 1954, in respect of services which the landlord is not under the terms of the tenancy liable to provide, then if those services are withheld in whole or in part during any rental period after the time of decontrol the rent recoverable for that period shall be decreased by an appropriate amount, and subsection (2) of section four of this Act shall apply for the purposes of determining any question whether, or by what amount, the recoverable rent is decreased by virtue of this paragraph.

8. Where at the time of decontrol any rent has been underpaid or any sum has been paid by way of rent which by virtue of the

Rent Acts or this Act is irrecoverable from the tenant, nothing in this Act shall be taken to affect the right of any person to recover that sum from any other person from whom he could have recovered it if the Rent Acts had continued to apply to the dwelling-house; and where any sum could under the Rent Acts have been recovered from the landlord by a deduction from rent it shall continue to be so recoverable notwithstanding that the Rent Acts have ceased to apply to the dwelling-house.

9.—(1) Where a tenancy which immediately before the time of decontrol was a controlled tenancy not falling within sub-paragraph (1) of paragraph 2 of this Schedule contains a provision (however expressed) whereby the landlord is entitled, on or after the Rent Acts ceasing to apply to the dwelling-house, to increase the rent otherwise than in respect of rates, the provision of services or the use of furniture, and the amount by which the rent may be so increased is not specified by the terms of the tenancy, the tenant may by notice in writing served on the landlord not later than three months after the time of decontrol elect that as from the service of the notice the foregoing provisions of this Schedule shall apply as if the tenancy had been such a tenancy as is mentioned in sub-paragraph (1) of paragraph 2 of this Schedule.

(2) Where a notice is served under this paragraph the tenancy to which it relates, and any sub-tenancy thereof (whether or not an immediate sub-tenancy), shall come to an end on the service of the notice; and if any such sub-tenancy was one falling within the foregoing sub-paragraph, then as from the service of the notice the foregoing provisions of this Schedule shall apply as if the sub-tenancy had been such a tenancy as is mentioned in sub-paragraph (1) of paragraph 2 of this Schedule.

This sub-paragraph shall not prejudice the power of a sub-tenant to serve a notice under this paragraph where no such notice has been served by a superior tenant.

(3) In the case of a tenancy falling within sub-paragraph (1) of this paragraph, the rent shall not in any case be increased under the terms of the tenancy as respects a rental period beginning before the expiration of three months after the time of decontrol.

10. For the purposes of this Schedule the power of a tenant under a tenancy for a term of years to terminate the tenancy at a specified point during the term shall not be treated as a power to terminate the tenancy by notice to quit.

11. A statutory tenancy which, immediately before the time of decontrol, was one to which, but for paragraph (c) of subsection (1) of section forty-three of the Landlord and Tenant Act, 1954, Part II of that Act would have applied if it had been a tenancy within the meaning of that Act, shall after the time of decontrol be deemed for the purposes of that Act to be a tenancy to which Part II thereof applies, being a tenancy continuing by virtue of section twenty-four of that Act after the expiry of a term of years certain, and accordingly paragraph 2 of this Schedule shall not apply to it.

12. Where any mortgaged property consists of or comprises one or more dwelling-houses to which the Rent Acts applied immediately

4TH SCH.
—cont.

before the time of decontrol those Acts shall, until the expiration of fifteen months after the time of decontrol, have effect in relation to the mortgage as if they had not ceased to apply to the dwelling-house or dwelling-houses, and any question whether a mortgage is a mortgage to which those Acts apply, or whether or in what manner the principal moneys secured by a mortgage can be apportioned under subsection (5) of section twelve of the Act of 1920, shall be determined accordingly.

13. An order under subsection (3) of section eleven of this Act may provide that, in the application of the foregoing provisions of this Schedule to dwelling-houses excluded from the Rent Acts by virtue of the order, for references to fifteen months there shall be substituted references to such shorter period, not being less than six months, as may be specified in the order.

14. As respects any time after the time of decontrol, references in this Schedule to the tenant include references to any other person who by virtue of paragraph (g) of subsection (1) of section twelve of the Act of 1920 would have been entitled on the death of the tenant to retain possession if the Rent Acts had not ceased to apply to the dwelling-house.

15. In the application of this Schedule to Scotland,—

- (a) in paragraph 3 for the words from “be the same as” to the end of the paragraph there shall be substituted the words “be the same as was recoverable from him for the last rental period beginning before that time”;
- (b) in paragraph 5 for any reference to the county court there shall be substituted a reference to the sheriff, and in sub-paragraph (4) the words from “if the improvement is one” to “1927, or”, and sub-paragraph (7) shall be omitted;
- (c) in paragraph 7 for any reference to section forty of the Housing Repairs and Rents Act, 1954, there shall be substituted a reference to section thirty-one of the Housing (Repairs and Rents) (Scotland) Act, 1954, and for the words from “and subsection (2) of section four” to the end of the paragraph there shall be substituted the words “and any question whether, or by what amount, the recoverable rent is decreased by virtue of this paragraph shall be determined by agreement in writing between the landlord and the tenant or by the sheriff; and any such determination may be made so as to relate to past rental periods and shall have effect as respects rental periods subsequent to the periods to which it relates until revoked or varied by such an agreement as aforesaid or by the sheriff”; and
- (d) “mortgage” means a heritable security, including a security constituted by absolute disposition qualified by back bond or letter, and “mortgaged” shall be construed accordingly.

FIFTH SCHEDULE

Sections 11, 25

ASCERTAINMENT AND ADJUSTMENT OF RATEABLE VALUE
AND 1956 GROSS VALUE

PART I

ASCERTAINMENT OF RATEABLE VALUE AND ADJUSTMENTS
FOR PENDING PROPOSALS

1. In relation to any premises in England or Wales, any reference in this Act to the rateable value on a particular date (hereinafter referred to as the "date of ascertainment") shall subject to the following provisions of this Part of this Schedule be construed—

- (a) if the premises are a hereditament for which a rateable value is then shown in the valuation list, as a reference to the rateable value of the hereditament, or where that value differs from the net annual value, the net annual value thereof, as shown in the valuation list on that date;
- (b) if the premises form part only of such a hereditament, as a reference to such proportion of the said rateable value or net annual value as may be agreed in writing between the landlord and tenant or determined by the county court;
- (c) if the premises consist of or form part of more than one such hereditament, to the aggregate of the rateable values (ascertained in accordance with the foregoing sub-paragraphs) of those hereditaments or parts.

2.—(1) The following provision shall have effect for the purposes of subsection (1) of section eleven of this Act or an order made under subsection (3) thereof, that is to say, where after the date of ascertainment the valuation list is altered so as to vary the rateable value of a hereditament, and the alteration has effect from a date not later than the date of ascertainment and is made in pursuance of a proposal to which this paragraph applies, the rateable value on the date of ascertainment of any dwelling-house consisting of or wholly or partly comprised in that hereditament shall be ascertained as if the amount of the rateable, or as the case may be net annual, value of that hereditament shown in the valuation list on the date of ascertainment had been the amount of that value shown in the list as altered.

(2) This paragraph applies to a proposal made—

- (a) if the date of ascertainment is that specified in subsection (1) of section eleven of this Act, before the first day of April, nineteen hundred and fifty-seven;
- (b) if the date of ascertainment is a date specified in an order under subsection (3) of the said section eleven, before such date as may be specified by the order for the purposes of this provision.

3.—(1) Where the application or non-application of the Rent Acts to a dwelling-house may be affected by an alteration in the valuation list made in pursuance of a proposal to which the foregoing paragraph applies, then—

- (a) if the proposal is pending at the commencement of this Act, nothing in subsection (1) of section eleven thereof, and

5TH SCH.
—cont.

- (b) if it is pending at the date specified in an order under subsection (3) of that section as the date from which the Rent Acts are to cease to apply, nothing in the order,

shall exclude the application of the Rent Acts to the dwelling-house at any time before the proposal is settled.

(2) The foregoing sub-paragraph shall not have effect as respects the said subsection (1) in a case where the proposal is one for an alteration in the valuation list reducing the rateable value of the dwelling-house and that rateable value on the thirty-first day of March, nineteen hundred and fifty-six, was such that, if it had remained unaltered, the Rent Acts would apart from this and the last foregoing paragraph have ceased to apply to the dwelling-house by virtue of the said subsection (1); and in any such case the said subsection (1) (if it has effect in relation to the dwelling-house) shall have effect in relation thereto as from the commencement of this Act notwithstanding that at that date the proposal had not been settled.

4. The following provision shall have effect for the purposes of section twelve of this Act, that is to say, where after the date of ascertainment the valuation list is altered so as to vary the rateable value of a hereditament, and the alteration has effect from a date not later than the date of ascertainment, the rateable value on the date of ascertainment of any dwelling consisting of or comprised in that hereditament shall be ascertained as if the amount of the rateable, or as the case may be net annual, value of that hereditament shown in the valuation list on the date of ascertainment had been the amount of that value shown in the list as altered.

5. This Part of this Schedule shall apply to Scotland subject to the following modifications—

- (a) for paragraph 1 there shall be substituted the following paragraph—

“ 1. In relation to any premises in Scotland, any reference in this Act to the rateable value on a particular date (hereinafter referred to as ‘the date of ascertainment’) shall, subject to the following provisions of this Part of this Schedule, be construed as a reference to the rateable value thereof as shown in the valuation roll on that date, or where the premises form part only of lands and heritages shown in that roll, to such proportion of the rateable value of those lands and heritages as may be agreed in writing between the landlord and the tenant or determined by the sheriff.”;

- (b) for references to the valuation list and to a hereditament there shall be substituted references to the valuation roll and to lands and heritages, and any reference to net annual value shall be omitted;

- (c) for any reference to a proposal to which paragraph 2 of this Schedule applies there shall be substituted a reference to an appeal or complaint duly made in accordance with the provisions of the Lands Valuation (Scotland) Act, 1854.

and the Acts amending that Act, against an entry in the valuation roll, and sub-paragraph (2) of paragraph 2 shall be omitted ;

- (d) in paragraph 3, for heads (a) and (b) of sub-paragraph (1) there shall be substituted the words "nothing in subsection (1) of section eleven of this Act or in an order under subsection (3) of that section", and in sub-paragraph (2) for the words "the thirty-first day of March" there shall be substituted the words "the fifteenth day of May" ;
- (e) for the purposes of this Part of this Schedule an appeal or complaint shall be taken to be settled when an alteration is made in the valuation roll to give effect to it, or when the appeal or complaint (including any further appeal to the Lands Valuation Appeal Court) is finally determined, or when the appeal or complaint is withdrawn, whichever first occurs.

5TH SCH.
—cont.

PART II

MODIFICATION, IN SPECIAL CASES, OF 1956 GROSS VALUE

6. If, in pursuance of a proposal made before the first day of April, nineteen hundred and fifty-seven, or made on the ground of a change in the occupier or in the circumstances of occupation, the gross value shown for a hereditament in the valuation list is varied after the seventh day of November, nineteen hundred and fifty-six, then, as regards any rental periods (whether beginning before or after the variation) the 1956 gross value of a dwelling being or forming part of that hereditament shall be ascertained by reference to the gross value as so varied.

7. Where a dwelling is or forms part of a hereditament for which no gross value was shown in the valuation list on the said seventh day of November, the provisions of this Act defining the 1956 gross value shall have effect in relation to the dwelling as if for the references to that date there were substituted references to the first subsequent date on which a gross value for that hereditament was shown in the valuation list.

8. Where in pursuance of a proposal made on the ground of a change in the occupier or circumstances of occupation the gross value shown in the valuation list is varied so as to take account of the state of the dwelling at a date after the commencement of this Act, a reference to that date shall, in relation to that dwelling, be substituted for the reference in section five of this Act to the commencement thereof.

9. Where a dwelling is or forms part of a hereditament the gross value of which, as shown in the valuation list, was arrived at after such a reduction as is provided for in subsection (3) of section four of the Valuation for Rating Act, 1953 (which relates to certain hereditaments consisting partly of premises used wholly for the purposes of a private dwelling and partly of other premises) that gross value shall be deemed for the purposes of this Act to be further reduced by four-sevenths of so much thereof as is attributable to that part of the hereditament which is not used wholly for the

5TH SCH.
—cont.

purposes of a private dwelling or private dwellings; and a certificate of the valuation officer shall be conclusive evidence of the amount so attributable.

10. Where a dwelling consists of or forms part of more than one hereditament, the 1956 gross value of the dwelling shall be ascertained by determining the 1956 gross value of each hereditament or part as if it were a separate dwelling and aggregating the gross values so determined; but in determining for the purposes of this paragraph the 1956 gross value of any hereditament the gross value of which is ascertained in accordance with the definition of gross value in section sixty-eight of the Rating and Valuation Act, 1925, that gross value shall be taken to be reduced by four-sevenths.

PART III

REDUCTION OF 1956 GROSS VALUE AND RATEABLE VALUE IN CASE OF CERTAIN IMPROVEMENTS

11.—(1) Where the tenant, or any previous tenant, under a controlled tenancy current at the commencement of this Act has made or contributed to the cost of an improvement on the premises comprised in the tenancy and the improvement is one to which this Part of this Schedule applies, then, if the tenant, not later than six weeks after the commencement of this Act, serves on the landlord a notice in the prescribed form requiring him to agree to a reduction under this Part of this Schedule,—

- (a) the 1956 gross value of the premises, and
- (b) their rateable value as ascertained for the purposes of subsection (1) of section eleven of this Act,

shall be reduced by such amount, if any, as may be agreed or determined in accordance with the following provisions of this Part of this Schedule.

(2) This Part of this Schedule applies to any improvement made before the seventh day of November, nineteen hundred and fifty-six, by the execution of works amounting to structural alteration, extension or addition.

12.—(1) The amount of any such reduction may at any time be agreed in writing between the landlord and the tenant.

(2) Where, at the expiration of a period of six weeks from the service of a notice under paragraph 11 of this Schedule any of the following matters has not been agreed in writing between the landlord and the tenant, that is to say,—

- (a) whether the improvement specified in the notice is an improvement to which this Part of this Schedule applies;
- (b) what works were involved in it;
- (c) whether the tenant or a previous tenant under the controlled tenancy has made it or contributed to its cost; and
- (d) what proportion his contribution, if any, bears to the whole cost;

the county court may on the application of the tenant determine that matter, and any such determination shall be final and conclusive.

(3) An application under the last foregoing sub-paragraph must be made within three weeks from the expiration of the period mentioned therein or such longer time as the court may allow.

5TH SCH.
—cont.

13.—(1) Where, after the service of a notice under paragraph 11 of this Schedule, it is agreed in writing between the landlord and the tenant or determined by the county court—

- (a) that the improvement specified in the notice is one to which this Part of this Schedule applies, and what works were involved in it; and
- (b) that the tenant or a previous tenant under the controlled tenancy has made it or contributed to its cost, and, in the latter case, what proportion his contribution bears to the whole cost,

then if, at the expiration of a period of two weeks from the agreement or determination, it has not been agreed in writing between the landlord and the tenant whether any or what reduction is to be made under this Part of this Schedule, and the tenant, within two weeks from the expiration of that period, makes an application to the valuation officer for a certificate under the next following sub-paragraph, that question shall be determined in accordance with the certificate, unless the landlord and the tenant otherwise agree in writing.

(2) On any such application the valuation officer shall certify—

- (a) whether or not the improvement has affected the 1956 gross value and the rateable value on the seventh day of November, nineteen hundred and fifty-six (as ascertained for the purposes of subsection (1) of section eleven of this Act), of the hereditament of which the premises consist or, as the case may be, in which they are wholly or partly comprised, and
- (b) if it has, the amount by which the said gross value and rateable value respectively would have been less if the improvement had not been made.

(3) An application for such a certificate shall be in the prescribed form and shall state the name and address of the landlord, and the valuation officer shall send a copy of the certificate to the landlord.

(4) Where the amount of the reduction under this Part of this Schedule falls to be determined in accordance with such a certificate, it shall be equal to the amount specified in pursuance of head (b) of sub-paragraph (2) of this paragraph, but proportionately reduced in any case where a proportion only of the cost was contributed by the tenant or a previous tenant under the controlled tenancy.

(5) Where at the time of an application for a certificate under this paragraph a proposal for an alteration in the valuation list relating to the hereditament is pending and the alteration would have effect from a date earlier than the eighth day of November, nineteen hundred and fifty-six, the valuation officer shall not issue the certificate until the proposal is settled.

5TH SCH.
—cont.

14. Where the rateable value of a dwelling-house on the seventh day of November, nineteen hundred and fifty-six, as ascertained for the purposes of subsection (1) of section eleven of this Act, is reduced under this Part of this Schedule and, as reduced, is not such that the application of the Rent Acts to the dwelling-house is excluded by the said subsection (1), nothing in that subsection shall be taken to have excluded the application of those Acts to the dwelling-house between the commencement of this Act and the time at which the reduction is agreed or determined.

15. An order under subsection (3) of the said section eleven may make provision as to the reduction of the rateable value of dwelling-houses for the purposes of the order corresponding (with such modifications as may be provided in the order) to so much of the foregoing provisions of this Part of this Schedule as relates to rateable value.

PART IV

GENERAL PROVISIONS

16. Where, after a notice of increase has been served in respect of any dwelling, its 1956 gross value is reduced under paragraph 6 or under Part III of this Schedule, the notice shall not be invalidated but shall take effect so far as it can without causing the rent to exceed the rent limit.

17. For the purposes of this Schedule, a proposal shall be taken to be settled when an alteration is made in the valuation list so as to give effect to it, or to an agreement made in consequence of it, or when the proceedings on an appeal against, or a reference to arbitration relating to, an objection to the proposal (including any proceedings in consequence of such an appeal or reference to arbitration) are finally determined, or when the proposal is withdrawn, whichever first occurs.

Section 26.

SIXTH SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS AND APPLICATION OF ENACTMENTS

Amendments consequential on provisions as to rent

1. Section fourteen of the Act of 1920 (which relates to the recovery by the tenant of sums overpaid by way of rent and other related matters) shall have effect as if any sum in respect of rent which is irrecoverable by virtue of this Act (including any sum irrecoverable by virtue of section fifteen thereof) were irrecoverable by virtue of the Act of 1920.

2. Subsection (1) of section six and subsection (1) of section eight of the Rent and Mortgage Interest Restrictions Act, 1923 (which relate to the amendment of notices of increase of rent by the county court) shall apply to notices of increase under this Act.

3. In section sixteen of the Landlord and Tenant Act, 1927 (which enables landlords to recover, as rent, sums in respect of increases in taxes, rates or fire premiums ascribable to improvements made by tenants) for the words from “anything to the contrary” to the end of the section there shall be substituted the words “and shall be so recoverable notwithstanding anything in the Rent Act, 1957”.

4. In section four and subsection (1) of section eight of the Act of 1933 (which relate to excessive charges for sublet parts of dwellings and to the rectification of rent books) the references to recoverable rent shall be construed as references to the rent which is or was for the time being recoverable having regard to the provisions of this Act, and references to rent which is irrecoverable shall be construed accordingly.

5. In paragraph 2 of the First Schedule to the Landlord and Tenant (Rent Control) Act, 1949 (which provides for the recovery of premiums by deduction from rent) for the words from “shall not” in sub-paragraph (1) to the end of sub-paragraph (2) there shall be substituted the words “shall not exceed the rent recoverable in accordance with the provisions of the Rent Act, 1957 (other than paragraph 5 of the Sixth Schedule thereto) less the rental equivalent of the premium”.

6.—(1) As respects any statutory tenancy arising after the commencement of this Act under section sixteen, seventeen or eighteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, the provisions of the three following sub-paragraphs shall have effect in substitution for the provisions of those sections as to standard rents.

(2) Subject to the following provisions of this paragraph, the rent for any rental period for which it is neither increased nor reduced under the provisions of this Act other than this paragraph shall be of an amount equal to the rent limit ascertained under subsection (1) of section one of this Act.

(3) Where the rent payable for the last rental period of the tenancy qualifying for protection referred to in section sixteen or section seventeen of the said Act of 1951, (hereinafter referred to as “the contractual rent”) was greater than the amount mentioned in the last foregoing sub-paragraph, the rent payable for any such rental period as is mentioned in that sub-paragraph shall be of an amount equal to the contractual rent; and where this sub-paragraph has effect the rent limit shall be an amount equal to the contractual rent, but subject to adjustment from time to time under sections three and four of this Act and under section five thereof except as respects improvements completed before the beginning of the statutory tenancy, and to reduction as provided by Part II of the First Schedule to this Act in case of disrepair.

(4) The foregoing provisions of this paragraph shall have effect subject to any agreement between the parties for the payment of a lower rent; and where a lower rent is agreed it shall not be increased under this Act, but may notwithstanding anything in this Act be increased up to the rent limit by agreement in writing between the parties.

6TH SCH.
—cont.

7. In paragraph (b) of subsection (1) of section six of the Landlord and Tenant Act, 1954, for the words "so agreed or determined" there shall be substituted the words "agreed or determined in accordance with the next following section".

8.—(1) In relation to any statutory tenancy created under Part I of the Landlord and Tenant Act, 1954, after the commencement of this Act, any reference in sections seven and nine of that Act to the rent which is to be the standard rent of the dwelling-house during the period of the statutory tenancy shall be construed as a reference to the rent which during the period of the statutory tenancy is to be the rent for any rental period for which it is neither increased nor reduced under the provisions of this Act other than this paragraph.

(2) The last-mentioned rent shall, unless a lower rent is agreed, be an amount equal to the rent limit, ascertained under subsection (1) of section one of this Act; and where a lower rent is agreed it shall not be increased under this Act but notwithstanding anything therein may be increased up to that limit by agreement in writing between the landlord and the tenant.

(3) The foregoing sub-paragraph shall not apply to a dwelling-house such that at the beginning of the period of the statutory tenancy it would but for subsection (4) of section eleven of this Act be excluded from the Rent Acts by subsection (1) or subsection (3) of that section; but in the case of any such dwelling-house the rent limit during the period of the statutory tenancy shall, notwithstanding anything in subsection (1) of section one of this Act, be the rent agreed or determined under section seven of the Landlord and Tenant Act, 1954, subject however to the provisions of subsection (2) of section one of this Act.

9. At the end of paragraph 9 of the First Schedule to the Landlord and Tenant Act, 1954 (which provides, in certain cases, for the recovery of instalments of a payment for accrued tenant's repairs as if it were rent) there shall be added the words "and shall be so recoverable notwithstanding anything in the Rent Act, 1957".

10. In the Second Schedule to the said Act of 1954, at the end of sub-paragraph (1) of paragraph 1 (which empowers the court to order a reduction of rent where the landlord fails to carry out initial repairs) there shall be added the words "and any such order shall have effect notwithstanding anything in the Rent Act, 1957".

Amendments consequential on section twenty

11. In paragraph (e) of subsection (2) of section three of the Housing (Financial Provisions) Act, 1924, for the words from "the appropriate normal rent" to "local authority themselves" there shall be substituted the words "the limit imposed by section twenty of the Rent Act, 1957".

12. In subsection (1) of section three of the Housing (Rural Workers) Act, 1926, the following paragraph shall be substituted for paragraph (b)—

"(b) the rent payable by the occupier in respect of the dwelling shall not exceed the limit imposed by section twenty of the Rent Act, 1957, and no fine, premium or other like sum shall be taken in addition to the rent".

13. In subsection (1) of section three of the Housing (Financial Provisions) Act, 1938, the following paragraph shall be substituted for paragraph (b)—

“(b) if let, is let at a rent not exceeding the limit imposed by section twenty of the Rent Act, 1957”.

14. In subsection (1) of section twenty-three of the Housing Act, 1949, the following words shall be substituted for heads (i) and (ii) of paragraph (c)—

“the limit imposed by section twenty of the Rent Act, 1957”.

Amendments consequential on section twenty-one

15.—(1) The Landlord and Tenant Act, 1954, shall be amended as follows.

(2) In subsection (1) of section two, the words “at a low rent” where they first occur shall be omitted, and for the words “if the tenancy had not been one at a low rent” there shall be substituted the words “if the tenancy had not been a long tenancy and (in the case of a tenancy at a low rent) had not been a tenancy at a low rent”.

(3) In subsections (2) and (3) of section two and in sections eighteen and nineteen, the words “at a low rent” shall be omitted wherever those words occur.

(4) In subsection (3) of section three, for the words “if the tenancy in question were not one at a low rent” there shall be substituted the words “if the tenancy in question were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent”.

(5) In subsection (2) of section twelve, in paragraphs (a) and (b), for the words “if the tenancy were not one at a low rent” there shall be substituted the words “if the tenancy were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent”.

(6) In subsection (1) of section nineteen, immediately before the words “the second tenancy” there shall be inserted the words “and the second tenancy is a tenancy at a low rent”.

Miscellaneous amendments and application of enactments

16. Sections nine and ten of the Act of 1920 (which relate to furnished lettings) shall cease to have effect.

17. In subsection (2) of section fourteen of the Act of 1920 (which, as amended, imposes a penalty of twenty pounds for offences in connection with rent books), for the words “twenty pounds” there shall be substituted the words “fifty pounds”.

18. In sections ten and eleven of the Act of 1933 (which confer on local authorities power to publish information and power to prosecute for offences) the references to the principal Acts shall be deemed to include references to the Landlord and Tenant (Rent Control) Act, 1949, and this Act.

6TH SCH.
—cont.

19. The power conferred by section fourteen of the Act of 1933 to make regulations shall include power to make regulations prescribing forms for notices, certificates and other documents required or authorised under this Act and requiring such notices, certificates and documents to contain such information as may be specified in the regulations.

20. In subsection (3) of the said section fourteen (which imposes a penalty of ten pounds for the use of rent books not conforming to the prescribed requirements), for the words "ten pounds" there shall be substituted the words "fifty pounds".

21. For paragraph (h) of the First Schedule to the Act of 1933 (which relates to possession without proof of alternative accommodation), the following paragraph shall be substituted—

"(h) the dwelling-house is reasonably required by the landlord (not being a landlord who has become landlord by purchasing the dwelling-house or any interest therein after the seventh day of November, nineteen hundred and fifty-six) for occupation as a residence for—

- (i) himself ; or
- (ii) any son or daughter of his over eighteen years of age ; or
- (iii) his father or mother."

22. Section two of the Housing Act, 1936 (which implies, in contracts for letting at rents below specified limits, a condition as to fitness for human habitation), shall have effect, in relation to contracts entered into after the commencement of this Act, as if for the words "forty pounds" and "twenty-six pounds" there were substituted respectively the words "eighty pounds" and "fifty-two pounds".

23. Section one hundred and sixty-seven of the Housing Act, 1936 (which relates to the service of notices) shall apply to the service of notices, certificates and documents required or authorised to be served under this Act, and, without prejudice to the generality of the foregoing provision, shall apply to the service of such notices, certificates and documents by virtue of subsection (5) of section seven of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, as applied by this Schedule on an agent of the landlord or a person receiving the rent.

24. Subsection (5) of section seven of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938 (which enables documents to be served on agents or persons receiving rent and compels such persons to disclose the name and address of the landlord) shall apply for the purposes of this Act as if references therein to the principal Act included references to this Act.

25.—(1) In subsection (2) of section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, there shall be added at the end of paragraph (bb) the words "or by or under section eleven of the Rent Act, 1957", but the Rent Acts shall not apply by virtue of this sub-paragraph where on the coming to an end of the tenancy qualifying for protection the tenant is entitled to retain possession by virtue of the Fourth Schedule to this Act.

(2) Nothing in section eleven of this Act or any order thereunder shall affect any statutory tenancy which by virtue of the said Act of 1951 is subsisting at the commencement of this Act or the date specified in the order as the date on which the Rent Acts are to cease to apply.

6TH SCH.
—cont.

(3) At the end of subsection (2) of section sixteen of the said Act of 1951 there shall be added the following paragraph:—

“(f) that the tenancy qualifying for protection was a long tenancy as defined in section two of the Landlord and Tenant Act, 1954”.

(4) In subsection (4) of section nineteen of the said Act of 1951, for the words “as mentioned in subsection (2) of this section” there shall be substituted the words “as mentioned in subsection (1) of section sixteen or subsection (1) of section eighteen of this Act, or apply by virtue of section seventeen of this Act”.

26.—(1) Section thirty-three of the Housing Repairs and Rents Act, 1954 (under which a tenancy where the interest of the landlord belongs to a housing association is not a controlled tenancy if the condition specified in subsection (2) of that section is fulfilled) shall have effect as if at the end of the said subsection (2) there were added the following:—

“or

(c) the premises comprised in the tenancy were provided by the housing association with the assistance of a local authority or county council under subsection (3) of section ninety-three of the Housing Act, 1936, or were provided or improved by the housing association in accordance with arrangements made under section thirty-one of the Housing Act, 1949.”

(2) Subsection (8) of the said section thirty-three (which provides for the variation of arrangements between housing associations and local authorities) shall apply in relation to agreements and arrangements entered into before the commencement of this Act in connection with the assistance mentioned in sub-paragraph (1) of this paragraph or under section thirty-one of the said Act of 1949 as it applies in relation to the arrangements mentioned in that subsection.

27.—(1) In section forty-three of the Landlord and Tenant Act, 1954, in paragraph (c) of subsection (1) after the words “1920” there shall be inserted the words “or subsection (1) of section twenty-one of the Rent Act, 1957”.

(2) In paragraph 1 of the Third Schedule to the said Act of 1954, for the words “the twenty-first day of November, nineteen hundred and fifty” in paragraph (a) of the proviso there shall be substituted the words “the seventh day of November, nineteen hundred and fifty-six”.

Provisions as to Scotland

28. Section five of the Removal Terms (Scotland) Act, 1886, shall have effect as if at the end thereof there were added the following:—

“Provided that in no case shall notice of removal be given less than twenty-eight days before the date on which it is to take effect.”

6TH SCH.
—cont.

29. Section thirty-eight of the Sheriff Courts (Scotland) Act, 1907, shall have effect as if at the end thereof there were added the following:—

“Provided that in no case shall notice of removal be given less than twenty-eight days before the date on which it is to take effect.”

30.—(1) The House Letting and Rating (Scotland) Act, 1911, shall be amended as follows.

(2) In section four for the words “the next payment” in the first place where they occur there shall be substituted the words “a payment”, and for those words in the second place where they occur there shall be substituted the words “that payment”, and in paragraph (b) of the proviso for the words from “except” to the end of the section there shall be substituted the words “so, however, that in no case shall the notice be given less than twenty-eight days before the date on which it is to take effect.”

(3) In section five for the words “forty-eight hours” there shall be substituted the words “twenty-eight days”.

31. Where a repayment has been or will be made under section twelve of the Clean Air Act, 1956, in respect of an improvement the reference in paragraph (a) of subsection (1) of section two of the Act of 1920 to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the repayment.

32.—(1) Section twenty-five of the Housing (Repairs and Rents) (Scotland) Act, 1954 (under which a tenancy where the interest of the landlord belongs to a housing association is not a controlled tenancy if the condition specified in subsection (2) of that section is fulfilled) shall have effect as if at the end of the said subsection (2) there were added the following:—

“or

(c) the premises comprised in the tenancy were provided by the housing association with the assistance of a local authority under subsection (2) of section seventy-nine of the Housing (Scotland) Act, 1950, or were improved by the housing association in accordance with arrangements made under section one hundred and twenty-one of that Act”.

(2) Subsection (7) of the said section twenty-five (which provides for the variation of arrangements between housing associations and local authorities) shall apply in relation to agreements and arrangements entered into before the commencement of this Act in connection with the assistance mentioned in sub-paragraph (1) of this paragraph or under section one hundred and twenty-one of the said Act of 1950 as it applies in relation to the arrangements mentioned in that subsection.

(3) Paragraph 9 of the First Schedule to the said Act of 1954 shall have effect as if at the end there were added the following sub-paragraph—

“(c) if or in so far as the cost thereof has been or will be repaid under section twelve of the Clean Air Act, 1956”.

33.—(1) Paragraph 1, paragraphs 16 to 21, paragraphs 23 and 24, sub-paragraphs (1), (2) and (4) of paragraph 25, and paragraphs 28 to 32 of this Schedule shall apply to Scotland subject to the modifications hereinafter mentioned, but save as aforesaid the foregoing provisions of this Schedule shall not apply to Scotland.

6TH SCH.
—*cont.*

(2) Nothing in paragraph 19 shall apply to any notice served for the purposes of section seven or nine of this Act.

(3) In paragraph 23 for the reference to section one hundred and sixty-seven of the Housing Act, 1936, there shall be substituted a reference to section three hundred and forty-nine of the Local Government (Scotland) Act, 1947, subject however to the modification that any reference in that section to a local authority shall include a reference to any person other than a local authority.

SEVENTH SCHEDULE

Section 26.

GENERAL TRANSITIONAL PROVISIONS

1. If, at the commencement of this Act, any agreement or determination of a tribunal made or given for the purposes of paragraph (b) of subsection (3) of section twenty-four of the Housing Repairs and Rents Act, 1954, is in force in the case of a controlled tenancy, that agreement or determination shall, until an agreement or determination is made under paragraph (b) of subsection (1) of section one of this Act, be deemed to be an agreement or determination made under that paragraph.

2.—(1) The following provisions of this paragraph shall have effect with respect to improvements completed before the commencement of this Act.

(2) Where a notice of increase under section three of the Act of 1920 has been served in respect of the improvement but the service was effected less than four weeks before the commencement of this Act, sections one and two of this Act shall, subject to the following provisions of this paragraph, have effect, in relation to any rental period beginning more than four weeks after the service of the notice, as if the notice had taken effect as from the beginning of the basic rental period.

(3) Where the improvement was completed after the first day of April, nineteen hundred and fifty-six and has not affected the 1956 gross value of the dwelling, then, if the rent limit under a controlled tenancy of the dwelling falls to be ascertained under subsection (1) of section one of this Act, the rent limit shall, subject to the following provisions of this paragraph, be increased by eight per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(4) Subject to the following provisions of this paragraph, where the last foregoing sub-paragraph applies or a notice of increase was served in respect of the improvement under section three of the Act of 1920 less than four weeks before the commencement of this Act, subsections (3) and (4) of section five of this Act shall apply in relation to the increase authorised by the last foregoing sub-paragraph, or,

7TH SCH.
—cont.

as the case may be, specified in the said notice, as they apply in relation to an increase authorised by the said section five, but with the modification that, except where no notice of increase under the Act of 1920 was ever served in respect of the improvement, the period within which an application to the court may be made under the said subsection (3) shall be one month after the commencement of this Act or such longer time as the court may allow and that paragraph (b) of the proviso to the said subsection (3) shall not apply.

(5) Where before the commencement of this Act the tenant has applied to the court (under the proviso to paragraph (a) of subsection (1) of section two of the Act of 1920) for an order suspending or reducing an increase of rent in respect of an improvement no application in respect thereof shall be made under the last foregoing sub-paragraph; but if the application under the said proviso has not been finally determined at the commencement of this Act, proceedings on the application may be continued notwithstanding the repeals effected by this Act and effect shall be given, in ascertaining the rent limit and the rent recoverable for any rental period, to any order made on the application.

(6) A certificate of the valuation officer that an improvement has or has not affected the 1956 gross value of a dwelling shall be conclusive for the purposes of sub-paragraph (3) of this paragraph.

3.—(1) Any certificate of a local authority under subsection (1) of section twenty-six of the Housing, Repairs and Rents Act, 1954, and any certificate of a sanitary authority having effect (under paragraph (a) of subsection (2) of section twenty-seven of that Act) as if it were a certificate under Part II thereof, being a certificate in force immediately before the commencement of this Act, shall, to the extent that it specifies any defects as regards the state of repair of any dwelling, have effect after the commencement of this Act as if it were a certificate of disrepair under this Act; but nothing in this paragraph or in the repeals effected by this Act shall affect the power of the county court in proceedings pending at the commencement of this Act to order that the certificate shall cease to be in force.

(2) Where any such certificate as aforesaid ceases to have effect (whether by virtue of an order of the court or in consequence of being cancelled by the local authority), sections one and two of this Act shall have effect, in relation to any rental period beginning after the date as from which it ceases to have effect, as if it had ceased to have effect immediately before the basic rental period.

4. Where any increase in the rent recoverable under a controlled tenancy current at the commencement of this Act took effect before the commencement of this Act but after the beginning of the basic rental period, section one of this Act shall have effect as if for references to the rent recoverable for the basic rental period there were substituted references to the rent that would have been recoverable for that period if the increase had taken effect before the beginning thereof.

EIGHTH SCHEDULE

Section 26.

REPEALS

PART I

ENACTMENTS REPEALED AS RESPECTS ENGLAND AND WALES

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	<p>In section one, the words "the rent of any dwelling-house to which this Act applies, or", the words "the increased rent or", the words "standard rent or", the words "the tenant or", the words "as the case may be", and the proviso.</p> <p>Section two.</p> <p>In section three, in subsection (1) the words "any increase of rent except in respect of a period during which but for this Act the landlord would be entitled to obtain possession, or" and the whole of subsections (2) and (3).</p> <p>Sections nine to eleven.</p> <p>In section twelve, in subsection (1), paragraphs (a), (c) and (d), in subsection (2) the words "either the annual amount of the standard rent or", in subsection (3), the words "standard rent or" and the words "the rent at the date in relation to which the standard rent is to be fixed, or", and in subsection (7) the words from "and this Act" to the end of the subsection.</p>
13 & 14 Geo. 5. c. 13.	The Rent Restrictions (Notices of Increase) Act, 1923.	The whole Act.
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	<p>In section four, in subsection (7) of the section directed to be substituted for section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the words from "and in any such case" to the end of the subsection.</p> <p>Section seven.</p> <p>Subsection (3) of section eight.</p> <p>Subsection (2) of section ten.</p> <p>Section eleven.</p> <p>In section eighteen, subsections (2) and (3).</p>
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Subsection (3) of section three.

8TH SCH.
cont.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	In section four, in subsection (2) the words "neither an apportionment of standard rent as between the dwelling-house and the sublet part thereof" and the words "apportionment or", and in subsection (3) the words from the beginning to "apply, or" and the words "apportionment or". Sections six and seven. In the Second Schedule, the entry relating to section eighteen of the Rent and Mortgage Interest Restrictions Act, 1923.
26 Geo. 5 & 1 Edw. 8. c. 51. 1 & 2 Geo. 6. c. 26.	The Housing Act, 1936 The Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	Subsection (2) of section sixty-five. Section five. Subsections (2) and (4) of section seven. In the Second Schedule, the amendments of section fourteen of the Act of 1920, of section three of the Rent Restrictions (Notices of Increase) Act, 1923, of section seven of the Rent and Mortgage Interest Restrictions Act, 1923, and of the First Schedule to the Act of 1933.
1 & 2 Geo. 6. c. 35.	The Housing (Rural Workers) Amendment Act, 1938.	Sections four and six.
2 & 3 Geo. 6. c. 71.	The Rent and Mortgage Interest Restrictions Act, 1939.	In the First Schedule— in the entry relating to section one of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the words "the increased rent or" the words "standard rent or" and the words "if the increased rent exceeds the standard rent by more than the amount permitted under this Act or, as the case may be", the whole of the entries relating to sections two, three, nine and ten of that Act and in the first paragraph of the entry relating to section twelve of that Act the words "(a) and"; the entry relating to section seven of the Rent and Mortgage Interest Restrictions Act, 1923; and

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 71—cont.	The Rent and Mortgage Interest Restrictions Act, 1939—cont.	the entry relating to section six of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, and so much of the entry relating to the First Schedule to that Act as relates to paragraph (h) thereof.
9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act, 1946.	In section seven, the words from the beginning to "save as aforesaid".
9 & 10 Geo. 6. c. 48.	The Housing (Financial and Miscellaneous Provisions) Act, 1946.	Subsection (2) of section thirteen.
12, 13 & 14 Geo. 6. c. 40.	The Landlord and Tenant (Rent Control) Act, 1949.	Sections one, four, five and six. In section eight, in subsection (2) the words "standard rent or", subsections (3) and (4), in subsection (8) the words "Without prejudice to the provisions of subsection (4) of this section" and subsection (9).
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949.	Subsection (10) of section forty.
12, 13 & 14 Geo. 6. c. 60.	The Housing Act, 1949.	Section twenty-two. In section twenty-seven, the proviso to subsection (2). In section twenty-eight, in subsection (2), the words "and six".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	Section twenty-nine. In section sixteen, in subsection (1) the words from "but shall" to the end of the subsection and subsections (3) to (8). In section seventeen, in subsection (1) the words "then subject to the next succeeding subsection" and subsection (2). In section eighteen, subsection (2). In section nineteen, subsections (2) and (3).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 40.	The Crown Lessees (Protection of Sub-Tenants) Act, 1952.	In section two, proviso (a) to subsection (1); and subsections (2) and (3). In the Schedule, paragraph (a) of the entry relating to section one of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the whole of the entries relating to sections two, nine and ten of that Act and to section six of and the First Schedule to the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 53.	The Housing Act, 1952.	In section three, in subsection (3) the words following paragraph (b).
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act, 1954.	<p>In section four, subsection (2).</p> <p>In section sixteen, subsections (6) and (8).</p> <p>Sections twenty-three to thirty-two.</p> <p>Subsection (5) of section thirty-three.</p> <p>Sections thirty-four, thirty-six to thirty-eight, forty and forty-four.</p> <p>Subsection (1) of section forty-five.</p> <p>Sections forty-six to forty-eight.</p> <p>In section forty-nine, in subsection (1), the definitions of "Act of 1923", "Act of 1938", "good repair", "repair", "repairs" and "repairs increase"; and subsection (3).</p> <p>The Second and Third Schedules.</p> <p>In the Fourth Schedule, in the Table in paragraph 1 the words "section 2 (1) (a)", the words "section 2 (1) (b)", the words "section nine (1)", the words "section ten", and the words "Act of 1933 Schedule 1, paragraph (h)"; and paragraphs 2 and 4.</p>
2 & 3 Eliz. 2. c. 56.	The Landlord and Tenant Act, 1954.	<p>In section two, the words "at a low rent" in the first place where they occur in subsection (1) and where they occur in subsections (2) and (3).</p> <p>In section six, in subsection (1), the words "at a rent equal to the standard rent agreed or determined in accordance with the next following section"; in subsection (4) the words from "subject to the following adaptations" to "as aforesaid"; and subsection (5).</p> <p>In section seven, in subsection (1) the words "standard rent of the dwelling-house during the period of the statutory tenancy, and the other", and the words from "and for the avoidance of doubt" to the end of the subsection; and in subsection (2) the word "rent", in the first place where it occurs in paragraph (b) and the word "standard" in that paragraph.</p>

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 56—cont.	The Landlord and Tenant Act, 1954—cont.	Section eleven. In sections eighteen and nineteen, the words “at a low rent” wherever they occur.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act, 1955.	In section four, in paragraph (b) of subsection (2) the words from “at a rent” to “this section”, and in subsection (3) the words from “and for the purposes” to the end of the subsection.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act, 1955.	Section twelve.

PART II

ENACTMENTS REPEALED AS RESPECTS SCOTLAND

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Sections nine and ten.
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	In section four, in subsection (7) of the section directed to be substituted for section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the words from “and in any such case” to the end of the subsection.
1 & 2 Geo. 6. c. 26.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	Subsection (2) of section ten. Subsection (4) of section seven. In the Second Schedule, the amendments of section fourteen of the Act of 1920 and of the First Schedule to the Act of 1933.
2 & 3 Geo. 6. c. 71.	The Rent and Mortgage Interest Restrictions Act, 1939.	In the First Schedule the whole of the entries relating to sections nine and ten of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920; and so much of the entry relating to the First Schedule to the Rent and Mortgage Interest (Restrictions) (Amendment) Act, 1933, as relates to paragraph (h) thereof.
6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act, 1943.	In section five the words from the beginning to “save as aforesaid”.

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	In section nineteen, subsection (2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 40.	The Crown Lessees (Protection of Sub-Tenants) Act, 1952.	In the Schedule the whole of the entries relating to sections nine and ten of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the First Schedule to the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act, 1954.	Sections twenty-six and thirty-four. In subsection (1) of section thirty-nine, in the definition of "dwelling-house", the words "or prospective controlled tenancy". In the Third Schedule, in the Table in paragraph 1, the words "Section 9 (1)", "section 10" and the words "Act of 1933 ... Schedule 1, paragraph (h)".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Valuation (Scotland) Act, 1854 ...	17 & 18 Vict. c. 91.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Removal Terms (Scotland) Act, 1886 ...	49 & 50 Vict. c. 50.
Private Street Works Act, 1892	55 & 56 Vict. c. 57.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
House Letting and Rating (Scotland) Act, 1911	1 & 2 Geo. 5. c. 53.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent and Mortgage Interest Restrictions Act, 1923	13 & 14 Geo. 5. c. 32.
Housing (Financial Provisions) Act, 1924 ...	14 & 15 Geo. 5. c. 35.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Housing (Rural Workers) Act, 1926	16 & 17 Geo. 5. c. 56.
Landlord and Tenant Act, 1927	17 & 18 Geo. 5. c. 36.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Public Health Act, 1936... ..	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Housing Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 51.
Housing (Financial Provisions) Act, 1938 ...	1 & 2 Geo. 6. c. 16.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1938	1 & 2 Geo. 6. c. 26.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6. c. 47.
Furnished Houses (Rent Control) Act, 1946 ...	9 & 10 Geo. 6. c. 34.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Housing Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 53.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.
Valuation for Rating Act, 1953	1 & 2 Eliz. 2. c. 42.
Local Government (Financial Provisions) (Scot- land) Act, 1954	2 & 3 Eliz. 2. c. 13.
Housing (Repairs and Rents) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 50.
Housing Repairs and Rents Act, 1954 ...	2 & 3 Eliz. 2. c. 53.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Requisitioned Houses and Housing (Amend- ment) Act, 1955	3 & 4 Eliz. 2. c. 24.
Local Government (Street Works) (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 40.
Clean Air Act, 1956	4 & 5 Eliz. 2. c. 52.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.

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